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A HISTORY OF THE AMERICAN PEOPLE

BY

WOODROW WILSON, PH.D., LITT.D., LL.D.

DOCUMENTARY EDITION

IN TEN VOLUMES

VOL. VIII

Critical Changes and Civil War

ABRAHAM LINCOLN

(From a remarkable but little-known photograph taken February 23, 1861, in Brady's studio, Washington, under the supervision of George H. Story, Curator Emeritus of the Metropolitan Museum of Art, whose portrait of Lincoln, painted from life, is in the National Gallery, Washington)

DOCUMENTARY EDITION

A HISTORY OF THE AMERICAN PEOPLE

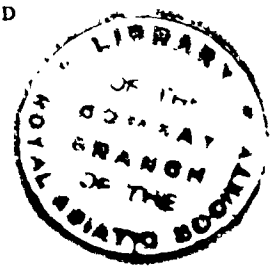
BY

WOODROW WILSON, PH.D., LITT.D., LL.D.
PRESIDENT OF THE UNITED STATES

ENLARGED BY THE ADDITION OF ORIGINAL SOURCES AND LEADING DOCUMENTS OF AMERICAN HISTORY INCLUDING NARRATIVES OF EARLY EXPLORERS, GRANTS, CHARTERS, CONCESSIONS, TREATIES, REVOLUTIONARY DOCUMENTS, STATE PAPERS, PROCLAMATIONS AND ENACTMENTS

ILLUSTRATED WITH CONTEMPORARY VIEWS, PORTRAITS, FACSIMILES AND MAPS SELECTED FROM RARE BOOKS AND PRINTS

IN TEN VOLUMES
VOLUME VIII



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A HISTORY OF THE AMERICAN PEOPLE

DOCUMENTARY EDITION

PART I.

A HISTORY OF THE AMERICAN PEOPLE

CHAPTER I

ARMED DIVISION

FOR a little while there was a calm upon the surface of affairs. Agitation fell quiet after the hard-won compromise, and the way seemed clear again for the sober counsels of peace, the everyday business and routine of politics and growth. But passion was none the less awake because it had fallen silent for a space. Thoughtful men could not forget what had been said in the debates which had accompanied the compromise, or how near those debates had seemed to bring them to a yawning gulf, where every danger gaped wide and obvious. "If you who represent the stronger portion," Mr. Calhoun had said, in words whose passion seemed all the deeper because of their slow and sober cadence, "if you who represent the stronger portion cannot agree to settle the great questions at issue on the broad principles of justice and duty, say so; and let the States we both represent agree to separate and depart in peace." And issue had been joined very sharply, for there had been men of a new temper on the other side who had spoken as frankly: free-soil Whigs and free-soil Democrats, men in their prime, but just come into Congress, bold and ready to push their views at any risk. Mr. Seward, the new Whig senator from New York, had proved himself in those memorable debates a veritable

philosophical radical, alike in opinion and in purpose. He had utterly repudiated all compromise, had denied the possibility of an equilibrium between the slave States and the free, and had declared the common domain of the country to be devoted to justice and liberty not only by the constitution but also by "a higher law than the constitution." He believed, he said, that slavery must give way "to the salutary instructions of economy and to the ripening influences of humanity"; that "all measures which fortified slavery or extended it tended to the consummation of violence,—all that checked its extension or abated its strength tended to its peaceful extirpation"; and that no makeshift or avoidance could make the issue either slow or doubtful. Mr. Calhoun had died with these things in his ears, face to face with the very tragedy he had striven with all the intensity of his deep nature to avert.

Men who gave little heed to debates and thought only of what they saw and knew presently found themselves stirred with a fresh and vivid passion of the mind as they witnessed or learned of the operations of the Fugitive Slave Law. The constitution itself commanded in explicit terms that fugitives from service, as well as fugitives from justice, who should escape from one State into another, should be delivered up and returned upon demand; and Congress, so long ago as 1793, had adopted a measure intended to secure obedience to the constitution in that matter. The behests of that statute, however, had been addressed, not to federal officers, but to the officials of the several States; magistrates and sheriffs in the northern States had shown greater and greater slackness in performing their duty under the statute, had, indeed, come more and more to

neglect it altogether, as opinion against slavery gathered head; and the Supreme Court of the United States had finally made utter dead letter of the law by deciding, in the case of *Prigg vs. Pennsylvania* (1842), that Congress could not in any case legally impose upon the officials of a State the duty of executing a law of the United States. The new law, therefore, which went with the compromise measures of 1850, provided in very imperative and rigorous fashion for the direct action of the federal authorities. The whole machinery of federal courts, commissioners, marshals, and deputies was put at the service of slave owners for the recovery of their runaway slaves; their simple affidavit was made sufficient proof of their right of ownership and recovery and of the identity of the negro claimed; federal marshals were made personally responsible for the successful execution of the writs of seizure and rendition; every private citizen summoned to assist was obliged to obey under heavy penalties; no doubt or difficulty or delay was anywhere permitted to be interposed if a master but made formal claim under oath.

The execution of the law, vigorously pushed by the southerners, — pushed even against one-time slaves long settled at the North but safe until now against apprehension; evaded, protested against, even resisted with riot and force of arms in the North, bred irritation and excitement which no art of the politician could check, no counsel of prudence divert. It brought open contest of opinion wherever executed, and every question which compromise and makeshift had sought to quiet and put by burned with a new and fiercer flame. Opinion and action were not to be controlled now as they had been in the early years of the republic, when

men took their cue from their leaders. The broad extension of the suffrage had put the fortunes of all parties and policies in the hands of a thorough-going democracy. The free, inquisitive judgments of common men determined now what the method of affairs should be. New voters were added to the rolls, it might be ten or fifteen thousand by the year, as the population grew unchecked the seasons through. Public prints multiplied, and spread news and opinion in ways incalculable by politicians, upon a scale which no man could reckon. Close upon two thousand miles were added every year to the railways of the country, and telegraph lines in the same measure. There was no longer any checking or anticipating the sweep of impulse and opinion among a people more and more knit together by intercourse, interest, and acquaintance. New men, a new generation, again crowded forward; parties could not dictate what they should think; parties were indeed themselves to be transformed and mastered, rather, by the new forces now free of the field.

For two sad years Mr. Webster and Mr. Clay sought to keep the nation in hand, chiding every show of uneasiness or agitation under the compromise they had labored to effect; speaking of the measures of 1850 as the indispensable props of the constitution and of the Union itself; making all sober counsels of peace ring eloquent in every perfect phrase of conciliation and persuasion their genius could coin or their striking utterance and presence enforce. But quiet would not come at their bidding. Mr. Webster had lost his hold upon his own people. They had deemed his advocacy of the compromises a base and cowardly retreat from the high place of doctrine and of statesmanship he had

THE

ADDRESS AND PROCEEDINGS

OF THE

FRIENDS OF DANIEL WEBSTER,

ASSEMBLED IN FANEUIL HALL,

On Wednesday, September 13th, 1852,

AT A

MASS CONVENTION.

BOSTON:
JAMES FRENCH, 78 WASHINGTON STREET,
1852.

TITLE-PAGE OF A CONTEMPORARY PAMPHLET

held so gallantly against Mr. Hayne, and now thought his defence of them but aggravation of his apostasy. Mr. Clay seemed already of another generation dead and gone. The new forces afield were not for his handling. Both men died with the infinite uneasiness of that last failure heavy upon them, Mr. Clay in June, Mr. Webster in October, 1852, fearing that they saw and knew what was to follow. The stage was clearing for another scene.

It was, indeed, difficult until these older figures were withdrawn to realize how radically the scene had changed, how singularly confused and altered the field of politics had become. Mr. Clay, Mr. Calhoun, and Mr. Webster, the notable men who had now made their sad exit, had come into affairs forty years ago, upon the eve of the second war with England. In their lifetime the very character of the government had changed. In the days when they had entered Congress, themselves men of a new generation, the country lived under a sort of parliamentary system. Congress looked to the Executive for guidance. The President's cabinet was made up of the recognized leaders of the dominant party. The succession to the presidency was determined by congressional caucus, and the Secretaryship of State was looked upon as the post of succession to the headship of the government. Parties were organized under men who got their authority from training and from close association with ruling groups of influential statesmen whose primacy in affairs no one dreamed of disputing. Massachusetts had her ruling coterie of authoritative leaders no less than Virginia. Her professional classes, her lawyers and ministers for the most part, determined her action in politics, — university

men, most of them, who yielded precedence to training, to experience, to age, to learning as of course, and put young men by to await their turn. Among them, as among the Virginians, certain families enjoyed a prescriptive pre-eminence. Any Englishman might have found the air and the method of action in that school of affairs of the familiar kind of all tradition amongst English speaking peoples.

The connection between Congress and the Executive was, it is true, private, not open or upon the floor of the houses. The President's official advisers did not appear in debate or take their places upon the floor as parliamentary leaders. The houses had by explicit vote declined to hear them there. Neither did they resign, as the King's ministers did, when the measures they suggested were defeated in a legislative vote. Their advice was given in private conference; they had no recognized responsibility for party legislation; they suffered no personal defeats and enjoyed no personal triumphs in Congress. But their influence was direct and powerful; and the government, for all its theoretical separation of parts, went forward as if of a single piece whenever the houses were of the President's party.

It had stood so until John Quincy Adams became President, with no party at his back, the representative of a group, not of a national majority. Already, in Mr. Monroe's day, the "era of good feeling," in which party lines were fading out and the discipline of parties was relaxed, Congress had got ready, with new standing committees, to act independently and on its own initiative. When Mr. Adams came in it took leave to criticise and resist rather than follow him; and after Mr. Adams came the democratic upheaval which made a

return to the older principles and methods of action forever impossible. It was noteworthy that there had fallen, with that change, a blight of final discredit upon the congressional caucuses which had for so long assumed to nominate the Presidents. Scattered state legislatures had made nominations of their own at the very dawn of General Jackson's day; conventions, called together by no party, by no group of political leaders even, but representing, it appeared, only some special class of citizens or some single locality, had volunteered also their advocacy of this man or that for the presidency. The political intimacy between Congress and the Executive having been lost, Congress lost also its initiative in choosing the nominal leader of the nation. That privilege passed to men such as those who had so shrewdly and so successfully set the currents of opinion running for General Jackson: private managers who knew how to use the machinery of newspaper comment, of busy personal correspondence, and of local organization to make opinion and control elections.

The process of change was a little obscured while General Jackson was President. No man had ever dominated the politics of the country with a more complete or unmistakable mastery. Congress did his bidding as willingly and as promptly as it had done the bidding of Washington or Jefferson. Few men stopped then to note the fact that he purposed nothing constructive, that his work was negative, reactionary, directed towards the "simplification" of the government and the tearing down of what the Federalists had built up. Neither did it appear at once what it meant that the President was making the patronage of office, not the action of Congress, the real instrument of his

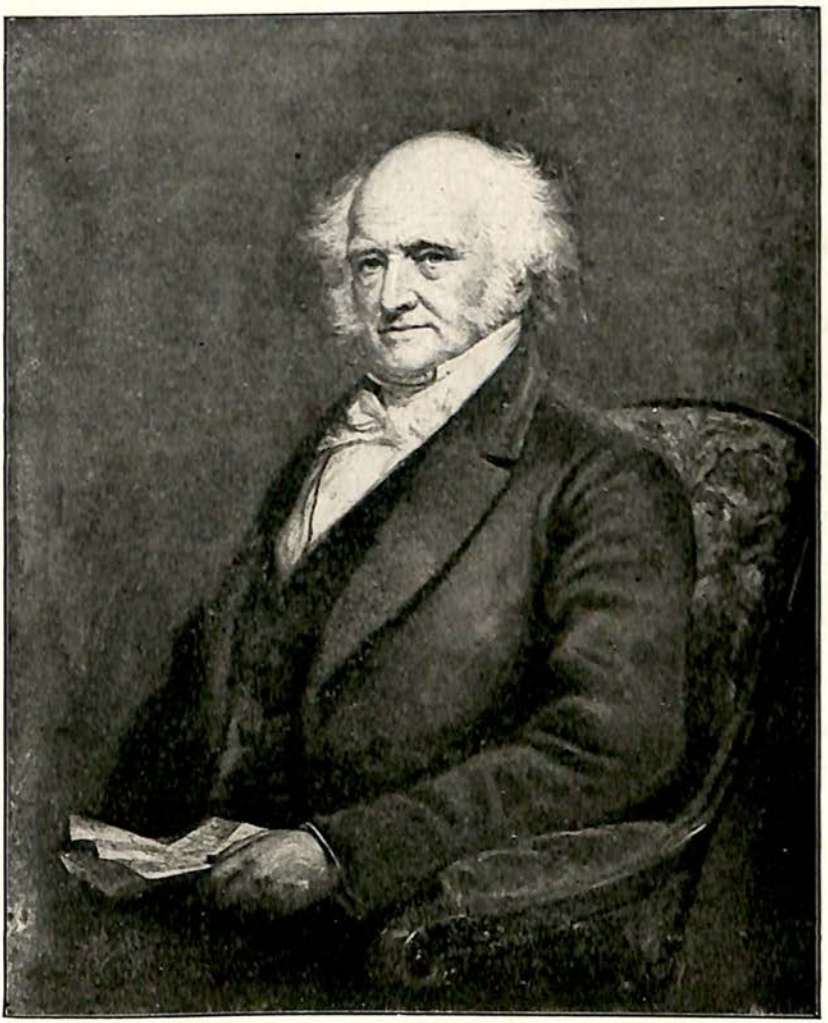
power. He gave office to men who kept the discipline of parties at the elections, to local political managers, to the editors of serviceable newspapers, to those who watched and sought to govern the movements of popular opinion.

When he was gone it began to appear what the whole change was which had been brought to pass. It had become the habit of all parties alike to make their nominations for office in organized party conventions, and to look to the make-up of the conventions through the local managers who expected to profit by their success. The convention which nominated a President formulated also the programme of its party. Its declarations of principle bound the President whom it nominated, not only; they bound also the representatives of the party in Congress. And yet the convention was not elected for any kind of responsible service. Its members were not men picked out to frame legislation and test it by the processes of debate, or for any of the slow deliberations which make sound policy. They met to act without debate. They sat only for a day or two; got no real acquaintance with each other's principles or motives; acted hastily and under excitement. What was of more consequence still, they were chosen by the management and nomination of unknown men, the self-constituted party overseers of the several localities from which they came; men whom native shrewdness, or watchful, time-serving sagacity had made masters of the arts of nomination and election: small office holders, busy talkers, the editors of rural newspapers, the ruling spirits of local political clubs.

Here was a wholesale decentralization of politics. Opinion began to be made by a sort of incalculable

plébiscite. Party leaders found themselves, not giving suggestions, but taking them from the general drift. Congress presently showed itself apt rather to register the impressions which came to it, it hardly knew how, from the innumerable minor politicians of its dominant party than to originate measures and policies of its own. Party action yielded, too, to new forces of disintegration: for this new machinery of initiative facilitated division as well as organization. If old parties could be ruled by conventions, new parties could be created by them. It presently became a familiar thing to learn of the existence of a new party by learning of the assembling of a new convention which had put forth a new platform, and nominated a new candidate for the presidency. Every year set for a presidential election was now apt to yield some such significant symptom of shifting opinion, to show some new party formed or some recent party grown strong and aggressive. At any time the agitation of new questions or the alteration of old might produce a familiar fruitage of conventions. Men of independent initiative might at almost any time of excitement get their separate following, improvise their separate organization, and confuse the field of action by the introduction of what claimed and tried to be a new party.

When, in 1840, the Whigs put Mr. Van Buren from office it looked for a brief space as if the older traditions of the government were to be revived, as if Congress and the Executive were once more to draw together under the leadership of men both in the President's cabinet and on the floor of the houses. But General Harrison's death made that once more impossible. Mr. Tyler pleased the Democrats as little as he pleased



M Van Buren

MARTIN VAN BUREN

the Whigs; and the two branches of the government drifted further apart than ever. Once again, in 1848, the Whigs won; and some of their chief men became the President's advisers, Mr. Webster among them, as at the outset of General Harrison's term. But there was only a faint flicker of the revival of tradition in that. It was too late to go back to the old ways of administration.

In all ordinary seasons, while the old parties kept their discipline and their prestige, mere flurries of independent action might cause politicians little or no uneasiness; but in seasons when men's minds were likely to take a touch of passion from the questions of the hour there was no telling what a new convention might portend. This new and facile machinery of agitation was as suitable for acts of principle as for schemes of manipulation. Mr. Clay and Mr. Webster looked from their death-beds upon a strangely altered scene. Passions were astir which might shake parties to pieces at any moment. The rule of parliamentary leaders belonged to an age gone by. Compromises arranged in Congress were conclusive of nothing should the thought of the nation once shake the foundations upon which they rested.

Even yet, however, the signs of change were partially obscured. A presidential election fell in that year, and parties seemed steadier than before in their choice of candidates and issues. A convention of Free Soilers met again (August 11, 1852), as four years before, and again spoke their uncompromising programme very plainly: "No more slave States, no more slave Territories, no nationalized slavery, no national legislation for the extradition of slaves"; but their following

proved less numerous than it had been in 1848. The Whig ranks were not a little thinned and disordered by the uneasiness and defections of a time of dread and doubt; and when the party convention, in June, put forward General Winfield Scott, a third popular soldier, as its candidate, and declared itself entirely satisfied with the compromise of 1850, many a man of conviction and initiative turned away from it, as from a party which had lost courage and statesmanship. But the Democrats acted with their old-time confidence and unanimity, and won, upon a declaration of views which committed them not only to the maintenance of the compromise but also to an unqualified adoption of "the principles laid down in the Kentucky and Virginia Resolutions of 1798 and 1799 and the Report of Mr. Madison to the Virginia legislature in 1799,"—principles which they declared themselves resolved to carry out "in their obvious meaning and import." Such a programme would have satisfied even Mr. Calhoun. They had not been able to nominate any one of their recognized leaders for the presidency; for their convention had acted, as always, under a rule which prescribed two-thirds as the majority necessary for a nomination, and neither Mr. Cass nor Mr. Buchanan nor Mr. Douglas had been able to command so large a support; but their choice had fallen upon Mr. Franklin Pierce, of New Hampshire, whose handsome person and prepossessing manners, whose record as a gallant commander of volunteers in the Mexican war and an honorable, even if undistinguished, representative of his State in Congress, they could look upon with some degree of complacency.

They supported him with every appearance of hearti-

Franklin Pierce

FRANKLIN PIERCE

ness, and carried every State for him except Vermont, Massachusetts, Tennessee, and Kentucky, securing two hundred and fifty-four electoral votes as against General Scott's forty-two. The popular vote for Mr. Pierce exceeded that for his two opponents combined by less than sixty thousand out of a total vote of more than three millions; but it was noteworthy how widespread and general the success of the Democrats had been; how completely they had closed the breaches made in their ranks four years before. Apparently they controlled both the country and the government.

Not that the country was quiet or at ease. Opinion shifted feverishly, incalculably, as if moved and driven by some unquiet spirit which it sought by some means to lay or escape. The Democrats had won in the elections because the Whigs had suffered hopeless division of opinion and had already in fact fallen asunder upon the question of slavery. The Democrats alone, with their chief strength at the South, kept their organization and their power of united action. Men who could not act with them now looked for a party, and yet feared to form one which should bring the sections face to face and fight the slavery question out. And yet they could not thrust that question into the background or forget it. Territories were always making and to be made. That unresting host forever moving upon the western plains and rivers must presently be told what Congress meant itself to do, or let them do, with regard to the use and ownership of slaves. Root-and-branch opponents of slavery were very actively and aggressively making opinion against it without too tenderly considering either the politicians who wanted to think of something else or the merchants and manufacturers

who dreaded to see peace and trade disturbed. During the very summer of the presidential campaign (1852) Mrs. Harriet Beecher Stowe had published *Uncle Tom's Cabin*, a stirring story of the life of a southern slave, and the book had done more, as it were upon the instant, to bring opinion to a quick awakening than any score of political pamphlets could have done. Its moving scenes, its pathos, its humor touched with tears, its air as of the real tragedy and pity and hope of life acted upon sensitive minds with a power they could not resist; and bred everywhere a slow passion of philanthropic reform which politicians had presently to look to. It was not a true picture of slavery. It was a romance sprung out of the sympathetic imagination of a refined and sensitive woman, whose pity kindled at every thought of the black bondsmen at the South. It told, unquestionably, of what slavery might produce, of what no doubt it did produce upon occasion, of the terrible possibilities and in some part the terrible realities of the master's power and the slave's subjection; but no one could read in it the real life of the negro or take from it any just conception of the system of slavery as administered by the vast majority of southern masters. Those who read it, nevertheless, knew no other picture than this, and were filled with pity and deep horror. Politicians had presently good reason to know what this new engine of agitation meant.

Still, those who chose looked another way and refused to be drawn into this matter. All who felt the older motives of politics strong within them and dreaded upheaval declined to touch the critical business. Men of uncompromising free soil convictions, on the other hand, whether Whigs or Democrats hitherto, slowly

UNCLE TOM'S CABIN;

OR,

LIFE AMONG THE LOWLY.

BY

HARRIET BEECHER STOWE.

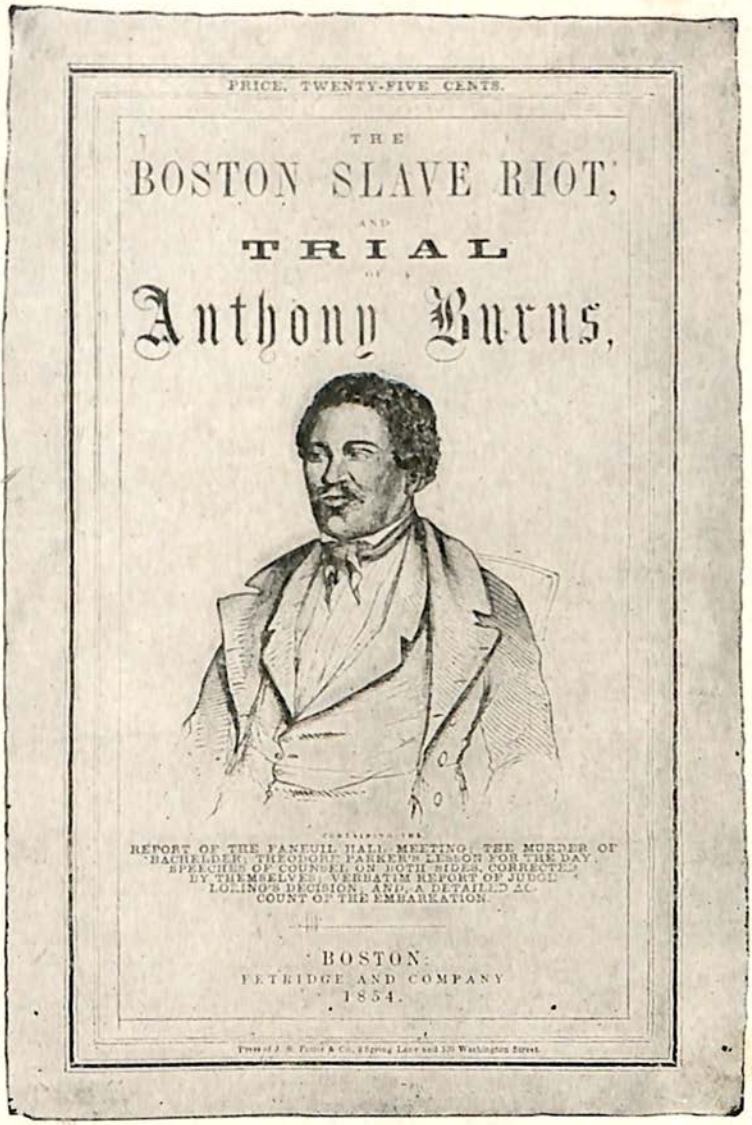
VOL. I.

BOSTON:
JOHN P. JEWETT & COMPANY.
CLEVELAND, OHIO:
JEWETT, PROCTOR & WORTHINGTON.
1852.

TITLE-PAGE OF "UNCLE TOM'S CABIN"

drew off from the regular parties and formed outspoken plans of opposition, frankly making slavery their issue. But the majority of Democrats adhered steadily to their party, and the majority of Whigs dreaded the threatened conflict and doubted its outcome; sought any diversion rather than make this ugly issue the acknowledged and only line between parties. Many persuaded themselves that the most immediate peril of the country came from the sudden and enormous influx of foreigners which recent years had witnessed. The great flood poured in at the eastern ports and left its most unwholesome deposits there; sent on the best things it carried to the western farms and the open regions of the interior. It brought men whom revolution had thrust out of the old world, men who wanted power and were apt at intrigue, restless men, many of whom were outcasts, some of whom were desperadoes. Now at last there came even men out of the alien Orient to the lands by the Pacific. Here was cause enough for uneasiness. If men looked for an issue, here was one: the preservation of the country's institutions in the face of such inroads, the maintenance of a safe ascendency in affairs for those born and bred to the politics and manners of America.

So long ago as 1844 matters had shaped themselves very sharply on this issue in New York and Philadelphia, the cities most threatened by the unwelcome invasion. Now feeling began to gather head upon a greater scale. A secret "Order of United Americans" was formed, whose motto was, "Americans must rule America"; and to this order many uneasy men were drawn to whom its principles were a pleasant relief from the stress of the slavery question; as well as all those


PRICE, TWENTY-FIVE CENTS.
THE
BOSTON SLAVE RIOT,
AND
TRIAL
OF
Anthony Burns,
CONTAINING THE
REPORT OF THE FANEUIL HALL MEETING, THE MURDER OF BATCHELDER, THEODORE PARKER'S LESSON FOR THE DAY, SPEECHES OF COUNSEL ON BOTH SIDES, CORRECTED BY THEMSELVES, VERBATIM REPORT OF JUDGE LORING'S DECISION, AND A DETAILED ACCOUNT OF THE EMBARKATION.
BOSTON:
FETRIDGE AND COMPANY
1854.

COVER OF PAMPHLET ON THE BOSTON SLAVE RIOT

who dreaded or hated the foreigner or feared to see the Roman Catholic church of the Continent brought into power in America along with its thousands of adherents crowding in. Only those who were advanced to the highest ranks of the Order's hierarchy were inducted into its full mysteries; the rest professed entire ignorance of its secrets, often of its very existence, and were dubbed "Know Nothings" for their reticence.

In some quarters the rising philanthropic feeling of the time found expression in a very pronounced renewal of the temperance movement. The year 1851 witnessed the adoption in Maine of a stringent law which absolutely forbade the manufacture or sale of intoxicating liquors within the State; and many earnest people elsewhere hailed the novel statute as a hopeful promise of social betterment, an example to be emulated. But such things did not yet draw to them the deeper currents of the country's thought. To every man who looked thoughtfully upon the face of affairs the slavery question obviously stalked obtrusive at the front of all policy, despite compromises and evasions. It was the southerners, besides, who seemed always to force the fighting. Whether the question were the reception of a petition against the continuance of the slave trade in the District of Columbia or the acquisition and government of new territory or the admission of a state into the Union, they let no opportunity go by to make known their claims and rights under the constitutional arrangement. They saw with the keen insight of those who lose that the game of growth and extending power went steadily against them. They valued the Union as dearly as the men of the North, were bent upon its preservation as earnestly and honorably as their compatriots of any

section; but they were convinced, with good reason, that its preservation depended upon the maintenance of an equilibrium between the sections, and they were determined, with Mr. Calhoun, to make their fight now, while yet there was a chance to win. They waged it, accordingly, like men suspiciously on guard in the face of a subtile enemy, and upon occasion deeply irritated even their friends with their noisy and ceaseless protests, driving their enemies to a like watchfulness and aggression.

Upon the assembling of the first Congress of Mr. Pierce's administration fortune seemed for the nonce to smile upon them. They were accorded a victory sudden, unlooked for, radical, costly, which instantly put a new face upon affairs,—nothing less than the repeal of the Missouri compromise and the opening of every Territory that remained to slavery. No one but Mr. Douglas would have had the audacity to attempt so revolutionary a measure; but Mr. Douglas had the hardihood of the frontier and the initiative of a natural leader of men. Stephen A. Douglas was one of the senators from Illinois. He had gone west out of Vermont when a mere lad, had served a rough apprenticeship in the new country, had made himself a lawyer and a judge of the supreme court of the young State before he was thirty, had entered the House of Representatives in 1843, at thirty, and the Senate in 1847, at thirty-four, and was now in his prime, showing at their full vigor the extraordinary qualities which had won him his quick advancement. His short and massive figure, his square head, steady, deep-set eyes, and mouth cut straight and firm, in lines unsensitive and full of will, bespoke him the man he was: a man

to make and have his way, fearless, sincere, compact of force; commanding others, but not to be commanded himself; coarse-fibred, daring, ready witted, loud, and yet prepossessing withal, winning friends and receiving homage.

He watched as keenly as Mr. Benton did the progress of the West, and had become, by natural selection, chairman of the Senate's Committee on Territories. Across the broad "Platte country," he knew, which stretched all the way from Iowa and Missouri to the foot of the great Rockies, lay the chief highway into the far West. He feared, in common with other western men, that it might be closed against travel by treaties made at Washington with the Indian tribes whose hunting fields lay upon it, and all the movement of life and settlement in the West embarrassed by the erection of an Indian reservation athwart the great route; and ever since he came into Congress, ten years ago, he had been pressing the question of its settlement and organization as a Territory instead. In the session of 1853–54 he had his will in the matter at last, and brought on political revolution besides. As chairman of the Senate Committee on Territories, he introduced, early in January, 1854,[1] a bill which provided for the organization of the Platte country as the Territory of Nebraska; but, finding many features of the bill unacceptable to the Senate, presently withdrew it and substituted another (January 23d) which provided for the creation of two Territories, Kansas and Nebraska, the one lying immediately to the west of the once disputed ground of Missouri, the other lying to the north beyond Iowa, upon the great plains through which the Platte found its way to the Missouri. The first measure had provided

[1] See page 210.

that the people of the new Territory should make their own choice in the matter of slavery; in the second measure the Missouri compromise was explicitly "declared inoperative and void," because "inconsistent with the principles of non-intervention by Congress with slavery in the States and Territories as recognized by the legislation of 1850." The healing work of two generations of statesmen was destroyed at a stroke. Mr. Douglas deemed such a course dictated by "a proper sense of patriotic duty," in order that the compromise measures of 1850 might be given their full effect, the right of Congress to interfere with the question of property in slaves clearly negatived, and the entire sovereignty of the people in their self-constituted groups, first as Territories and then as States, conspicuously set up, as the doctrine which seemed to him most likely to solve every practical difficulty. Mr. Pierce, the President, pronounced the bill a return to a "sound principle, which the compromise of 1820 infringed upon."

It was in fact matter of revolution. The southern members eagerly accepted what they had not asked for; northern men who were of the triumphant Democratic ranks blindly followed Mr. Douglas; and by the end of May the bill was law, spite of protests, spite of every sign of the profound and painful sensation it was to make, the country through. Mr. Seward and Mr. Chase were no longer alone in the Senate; Hamilton Fish, of New York, Solomon Foote, of Vermont, Benjamin Wade, of Ohio, Charles Sumner,[1] of Massachusetts stood with them to contest the ground against slavery every foot, by every means of word or action. But they availed nothing against the confident majorities which Mr. Douglas led, and the thing was done.

[1] See page 229.

Strict party discipline was maintained in the houses, and Mr. Douglas was unmistakably the leader of the Democratic majority. He might almost be said to

Wm H Seward. WILLIAM H. SEWARD

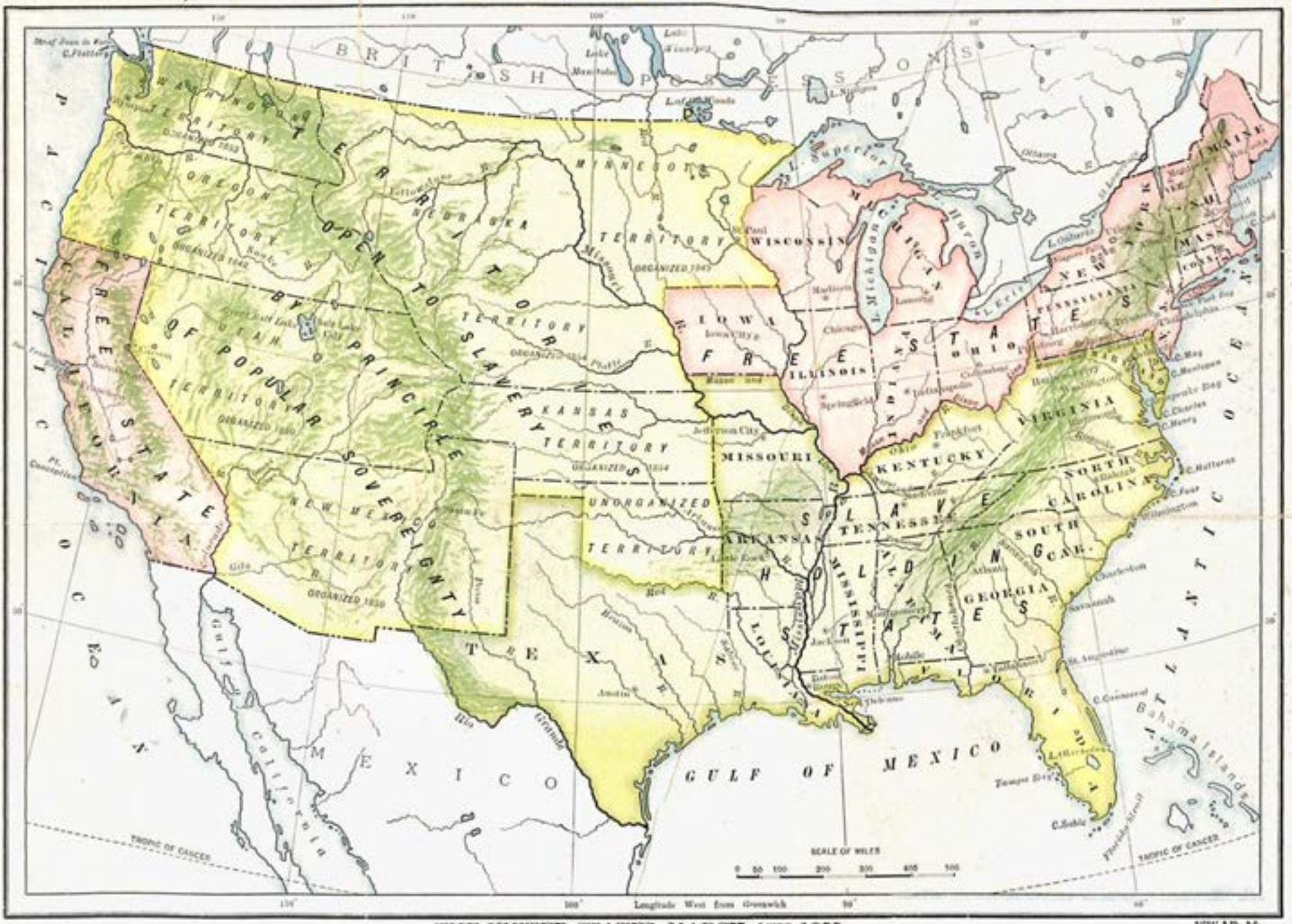
be for the moment the leader of the government. Congress had learned very thoroughly how to do without the leadership or suggestions of the Executive; had organized itself very efficiently for action on its own

initiative. The House very readily yielded itself to the control of its Speaker, whom it was more and more coming to regard not only as its presiding officer but also as its political leader. Its committees were constituted by his appointment, and it more and more gave itself over to the guidance of its committees. Mr. Polk, when he was Speaker, had set the example of constituting each committee in such a way as to make it an instrument for carrying the purposes of the leaders of the majority into effect in legislation; and the machinery of party action was every year growing more perfect. The Senate chose its committees by ballot, and debated their recommendations with a thoroughness which the House, with its more numerous membership, could not often emulate; but the committees of the Senate, no less than the committees of the House, formulated every action decided upon by the party leaders. The chairman of each committee, indeed, enjoyed an initiative in respect of the matters referred to his committee which often escaped the control of the leaders when he chose to ignore them. It was in part because of this new, efficient, and thorough-going way of action in Congress that Presidents and their cabinets fell more and more into the background in the origination of policy. Mr. Douglas had wished to be President: but was much more powerful in his real place of leadership on the floor of the Senate. Mr. Pierce accepted what he planned. He had his way with regard to Kansas and Nebraska as he could have had it in no other capacity than as chairman of the Committee on Territories.

No man could have wished to see his success produce a more dramatic effect. It was instantaneous. Kansas became at once a veritable battle ground. There was

a fatal ambiguity in the law. Did it mean that the people could make their choice with regard to slavery now, while they were yet but citizens of a Territory, through their territorial legislatures, or must they wait until they made their formal constitutions as states and obtained admission into the Union? Whatever its meaning, the matter was evidently to be decided by numbers, by filling the inchoate state with a prevailing majority out of the South or with a prevailing majority out of the North,—by the conquest of effectual occupation. And so each section began to pour its settlers in. Nebraska was out of the question. It lay too far to the northward; no one in the South looked to see slavery make its way thither. But men must go to Kansas, and go at once, ready for any heat of conflict.

It was singular how the strong discipline and self-confident spirit of party held the Democrats together in face of the country's manifest sharp revulsion against what they had done. Too steady for panic, too sure of the practical soundness and efficacy of the radical measures they had entered upon to be seriously disconcerted, they held doggedly on their way. But with the Whigs it was different. Their party had been short-lived at best; they had looked chiefly to the North for support; they had gone to pieces in the election of 1852 as completely and as irretrievably as the Federalists had gone to pieces in the election of 1800; their adherents were afield looking for a new allegiance, a new way of action. Some were simply "Anti-Nebraska men," opponents of the extension of slavery; some knew not how to vote; some crowded, for diversion, into the ranks of the Know Nothings. The elections of 1854 and 1855 brought strange surprises. The



THE UNITED STATES, MARCH 4TH 1855.

Know Nothings won a sudden series of successes. In the autumn of 1854 they elected their candidates for the governorship in Massachusetts and Delaware and

Geo. G. Meade GEORGE GORDON MEADE

put close upon a hundred members into the federal House of Representatives. In the autumn of 1855 they carried New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Kentucky, and California, and fell but a little short of majorities in six

of the southern States. Their successes filled the House of Representatives and the offices of government in the States with new and unknown men. The House of Representatives which met in December, 1855, was so variously and whimsically compounded of Anti-Nebraska men, Free Soilers, Democrats, southern pro-slavery Whigs, Know Nothings who favored the extension of slavery and Know Nothings who opposed it, that nothing was certain of it except that it contained a majority against the administration.

But another year (1856) brought the opposition together into a clearly defined "Republican" party, into which all Anti-Nebraska men, whether one-time Democrats or one-time Whigs, whether for a little while Free Soilers or for a still shorter time Know Nothings, were drawn with united purpose. Many things besides Mr. Douglas's revolutionary Kansas-Nebraska bill had given heat and cohesion to their gathering opposition. Before that bill had been introduced the administration had purchased of Mexico (December 30, 1853), through Mr. James Gadsden,[1] of South Carolina, the minister of the United States, forty-five thousand square miles of additional territory, lying at the south of the Gila River, to round out the acquisitions of 1848, the root of controversy and compromise. The year the Kansas-Nebraska Act became law, Mr. Pierce had, moreover, at the solicitation of southern men, directed the American ministers to Great Britain, France, and Spain, Mr. James Buchanan, of Pennsylvania, Mr. John Y. Mason, of Virginia, and Mr. Pierre Soulé, of Louisiana, to confer and report to him upon the desirability of the acquisition of Cuba by the United States.[2] They met at Ostend, in Flanders, and reported that in their

[1] See page 203.

[2] See page 215.

opinion the acquisition of Cuba would be highly advantageous to the United States; and that, rather than suffer it to be Africanized, as Santo Domingo had been, the United States would be justified in wresting it from

Pierre Soulé PIERRE SOULÉ

Spain by force, if Spain would not sell. News came now and again, too, of armed expeditions out of the southern ports against some Central American state, and of repeated, though unsuccessful, attempts, by force or strategy, to gain possession of more territory to the south of Texas. There was no evidence that

these lawless raids had any support or countenance from the federal government or from any government, or responsible person even, in the South itself; but the painful impression they made chimed ominously with that made by the Gadsden purchase and the "Ostend manifesto." There seemed an organized effort afoot to extend upon every hand the area of slavery.

The new party of opposition, however, did not perfect its organization or draw its strength effectively together soon enough to win the presidential election of 1856. A remnant of the Whig party was still in the field; the Know Nothings did not know that they had already lost their following, and put candidates confidently into nomination; the Republicans had still to compound a Free-Soil-Anti-Nebraska-Whig creed and find a candidate to please their one-time Democratic supporters,—John C. Frémont, the dashing young soldier and explorer who had found the passes of the Rockies and taken part in the conquest of California. The Democrats, keeping still a virtually unbroken organization in the face of foes divided, elected their candidates, Mr. James Buchanan, of Pennsylvania, and Mr. John C. Breckinridge, of Kentucky, by the safe majority of fifty-two electoral votes. But the popular vote for their candidates had fallen nearly four hundred thousand short of that cast for their opponents; the Republicans had carried every northern State except Pennsylvania, New Jersey, Indiana, and Illinois; and there was in the success of the Democrats, it was to be suspected, nothing but a temporary triumph.

Widespread financial distress clouded the winter that followed the presidential election, and filled all the year 1857 with its deep disquietude, now sharp and

touched with panic, now a slow, dull lethargy in which merchants and manufacturers and transportation companies and bankers merely waited and did not hope. The sudden growth of enterprise and commerce which

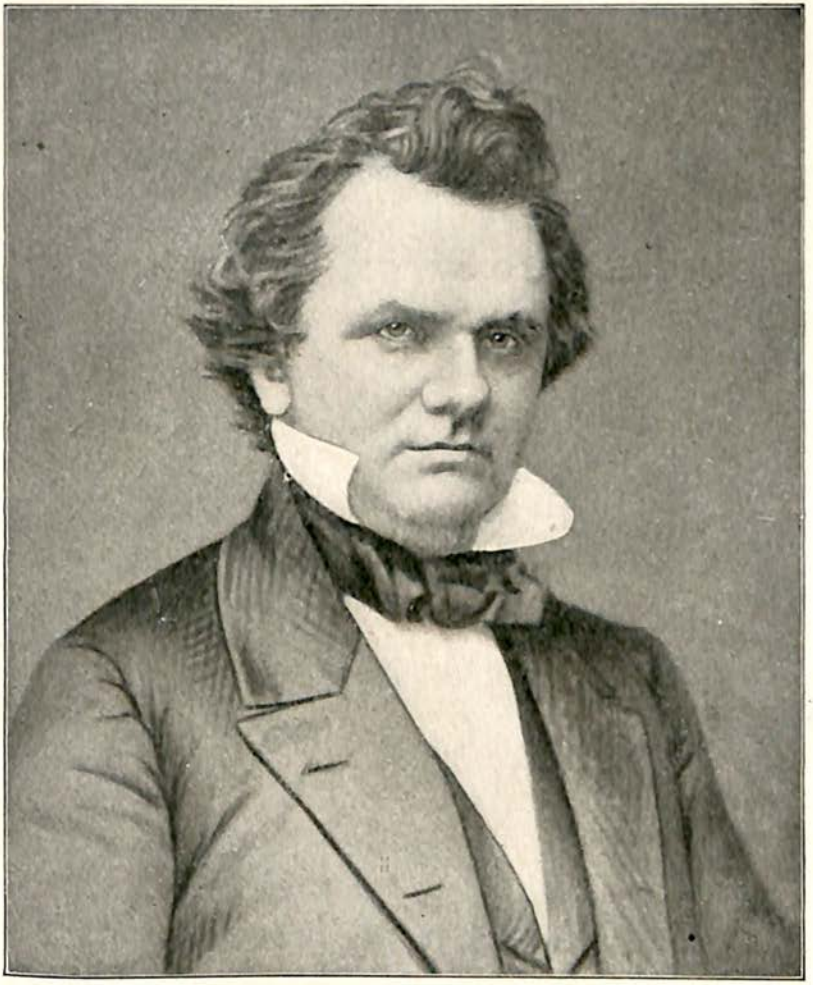
J. C. Frémont JOHN CHARLES FRÉMONT

had followed the rapid extension of railways and the establishment of steam navigation upon the seas, to which the discovery of gold in California had given added stimulation, and which every item of the steady growth of industry and of the nation itself had assisted to keep in heart these ten years, had inevitably bred

mere speculation, tempted men to unsound ventures, added excitement to confidence, harebrained scheming to the sober making of plans, and credit had at last been overstrained and wrecked by dishonesty, miscalculation, and flat failure. It seemed to public men that the tariff, as it stood, contributed to the distress of the time, because it steadily drew into the Treasury of the United States a surplus which was just so much money withheld from circulation. During the short session of Congress which immediately preceded the inauguration of Mr. Buchanan, all parties amicably united, therefore, in putting on the free list many of the raw materials of manufacture hitherto taxed and in reducing the general level of duties to twenty-four *per cent.*

No debate, no legislation, concerning the tariff had ever been so temperate, so good natured, so full of amicable concert and quick accommodation since the war of 1812. It was a notable sign how the interest of parties had been withdrawn from old questions and fixed upon new. The financial depression and slow recovery of credit which made the year 1857 memorable among men of business constituted no part of the strain of politics. It was of infinitely more consequence that two days after the inauguration of Mr. Buchanan the Supreme Court of the United States uttered, through Mr. Taney, its Chief Justice, an opinion which went even beyond the Kansas-Nebraska Act in its radical rejection of the Missouri compromise. The case was that of Dred Scott,[1] a negro of Missouri, whom his master had taken first into one of the free States and then into the territory from which slavery had been excluded by the legislation of 1820. The negro sought,

[1] See page 238.



S. A Douglas.

STEPHEN ARNOLD DOUGLAS

after his return to Missouri and the death of his master, to obtain his freedom, on the ground that his temporary residence on free soil had operated to annul his master's rights over him; but the court decided against him.

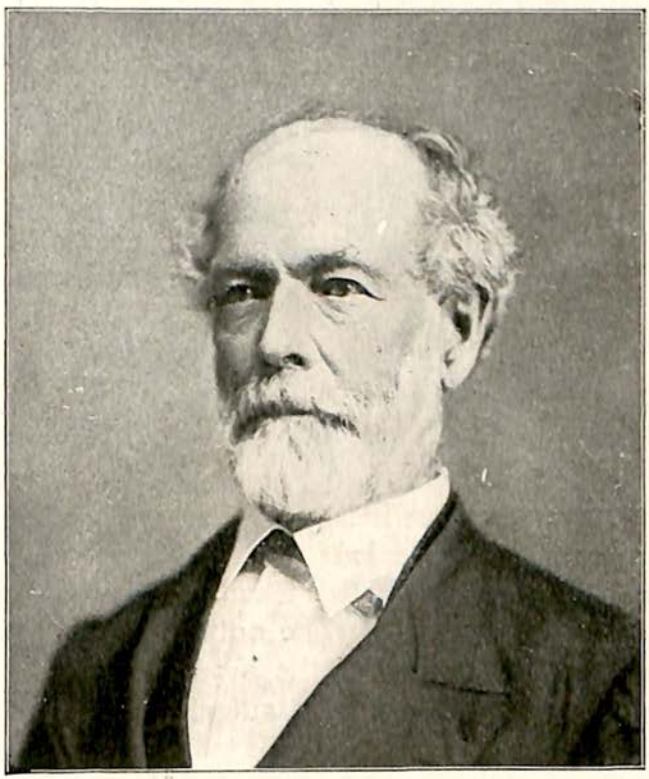
Geo H Thomas GEORGE HENRY THOMAS

More than that, though it left the proper field of the case itself, and therefore uttered mere *obiter dicta,* in doing so, it went on to declare that the legislation of 1820, which had forbidden slavery in part of the territory of the United States, must be considered unconstitutional

and without legal effect. Slaves, as such, Mr. Taney argued, for the court, were not citizens, in the contemplation of the constitution, but property merely; neither Congress nor the territorial governments, which derived their whole authority from Congress, could legally legislate with hostile purpose against any kind of property belonging to citizens of the States; slave owners might carry their slaves, as they might carry any other property, where they chose within the federal domain; none but a State could exclude their lawful bondsmen.

Here was not only a blow in the face for all Free Soilers, Anti-Nebraska men, and Republicans, but a blow dealt straight at Mr. Douglas's doctrine of popular sovereignty as well. The court's opinion suffered no interference with slavery by any authority but that of a full-fledged State, and the exclusion of slavery from Territories was out of the question. Out of the question in law, it seemed, but yet not in fact. How the fact was to be settled the country had but to look to Kansas to see. There the rush of numbers and the clash of armed men had played a quick drama out, stained by blood and ruffianly force. Men had come first from Missouri near at hand, and out of the slave-holding States which lay back of her, and then from the free States of the northwest and far New England, some upon their own private errands of change or profit or adventure, some in organized bands sent forward by public or private subscription, by individuals or societies, engaged to see the crusade out upon the one side or the other. Men of initiative in the North had accepted the Kansas-Nebraska Act as a challenge to go and take the land and hold it against slavery, by peaceful means or by force; had bought supplies and arms, and had equipped

sturdy men by the score for the journey and the strife at its end. The lawless of the one faction had vied with the lawless of the other in acts of violence and even



J. E. Johnston JOSEPH ECCLESTON JOHNSTON

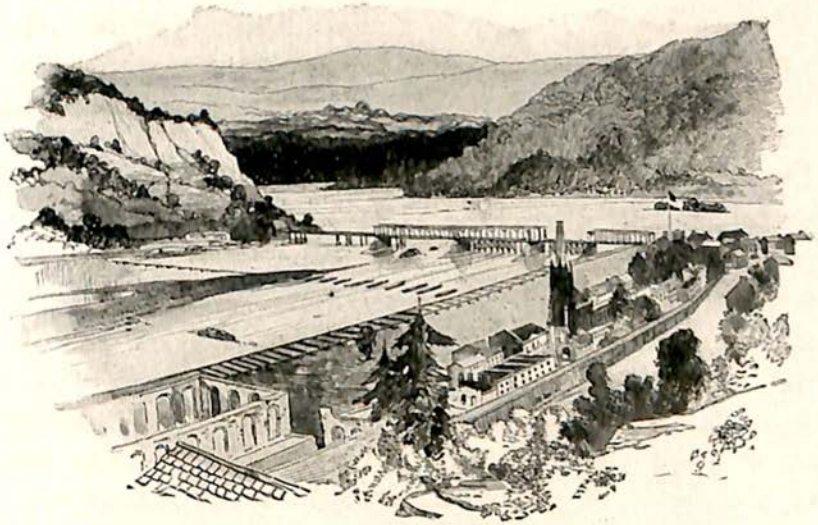
of treachery, and all the country had gazed these three years upon the dark things done in "bleeding Kansas."

Until this year of Mr. Buchanan's presidency the pro-slavery settlers had kept the upper hand and controlled for the most part the legislation of the Territory; but by the autumn of that year their majority was lost,

their control wrested from them by the settlers out of the North, crowding in at last in numbers greater than their own. Their final act of power was to call a constitutional convention and submit to the vote of the people a constitution which established slavery. The question submitted to the people's vote was not, however, the adoption or rejection of the constitution, but merely its adoption "with slavery" or "without slavery." The clauses by which it directly sanctioned slavery were by no means the only clauses which affected the critical matter. It contained, besides, numerous provisions which were not to be affected by the vote, which threw effective safeguards round about existing property in slaves, quite independently of the establishment of a slave-holding system; and great numbers of anti-slavery men, not being suffered to vote against the instrument as a whole, would not vote at all. It was consequently adopted "with slavery" and sent to Congress along with the usual application for admission into the Union. The anti-slavery legislature of the Territory, elected in the autumn of 1857, immediately ordered the instrument submitted as a whole to the people's vote, and it was rejected by an overwhelming majority, the pro-slavery men in their turn refraining from voting.

Mr. Buchanan, finding himself in fact the head of a party whose chief strength lay in the South, and yielding more and more as events thickened to the influence of the southern men in his cabinet, favored the admission of the Territory under the constitution adopted "with slavery," as in technical form at any rate the legal expression of the wish of the people of the Territory. But Mr. Douglas, no mere partisan, after all, but a

man steadfast in the principles upon which he had professed to act, refused to be a party to the act. He knew, as the whole country did, that this constitution, sent in the name of Kansas, was not in fact the constitution preferred by a majority of its people. To adopt it would be, not the recognition, but the repudiation of popular sovereignty. There were Democratic ma-



HARPER'S FERRY IN 1859

jorities in both houses, but members enough followed Mr. Douglas to defeat the resolution of admission, and it failed. A line of cleavage had shown itself within the Democratic ranks, and the plot of politics was sensibly thickening.

Another year, and it was more evident than ever where the issue cut and how the opinion of the country was turning. The elections of 1858 disclosed very serious losses for the Democrats. Five Republican

senators were added to the twenty already in active and aggressive opposition; the Republican representation in the House was increased from ninety-two to one hundred and nine; the President's own State was carried for the Opposition; and no observant man doubted what the causes were. They were indeed fixed with dramatic force in the mind of the whole country by the circumstances of Mr. Douglas's own barely successful struggle for re-election to the Senate. The Republicans of Illinois put into the field against him a man new, like the party itself, but racy of the soil and of the time. Abraham Lincoln was forty-nine years old, Mr. Douglas's senior by four full years; but, though he came late into the view of the nation, he came with toughened fibre, athletic in mind and body. He had struggled out of meanest poverty to a place among the men who led by processes familiar enough upon that rough frontier, where every man had his own way to make, his own training to get, for himself, whether in books or in action; but the genius he had put into the task had wrung out of the old processes a new and greater type of man. He had had the instinct of the student in the midst of affairs and had made himself a master of ideas, and of language as an instrument of mastery. He had devised for himself straight thrusts of speech and a use of words that acted always like the application of light,—spoke like a swordsman who knows not only his fence, but also the temper of his blade and the seats of life which the sword can touch.

Mr. Douglas knew his antagonist, and knew that he had arranged no light matter when he had agreed to meet him in public debate, up and down the State, upon the issues of the day. All the country knew that

a novel and very striking figure, the figure of an untutored master among men, had emerged upon the general field of politics when it heard what the debate had brought forth. "A house divided against itself,"

John Brown JOHN BROWN

Mr. Lincoln said, in phrases which stuck in the mind, "cannot stand. I believe this country cannot endure half slave and half free. I do not expect the house to fall, but I expect it will cease to be divided. It will become all one thing or all the other." What, he asked Mr. Douglas, became of the doctrine of popular sov-

ereignty if the Dred Scott decision was accepted as law? The territorial legislatures, replied Mr. Douglas, could hold slavery back, if not by actual prohibition, at least by hostile restriction and impediment. Then a territorial legislature can do what Congress itself cannot? asked Mr. Lincoln,—and the country knew, the

THE DUNKER CHURCH, WHERE JOHN BROWN PREACHED THE NIGHT OF THE RAID

Democrats whom he essayed to lead knew, how embarrassed Mr. Douglas had been for an answer. He won his seat, but he lost his following at the South.

That same year, the elections notwithstanding, Mr. Buchanan urged upon Congress, in his annual message (December 6th), fresh territorial expansion at the South: the acquisition of Cuba, vigorous action on the Isthmus

against Nicaragua and Costa Rica, and a protectorate over the nearer parts of the Mexican Republic, which appeared to be on the point of going to pieces. No indifference, no hostility abated his zeal in these matters. He could get nothing; the Republicans held the balance of power in the House of Representatives since the election; policy stood still there. But out of doors the rising passion of parties took its natural course.

The autumn of 1859 brought a sinister thing to light which startled the whole country, but the South most deeply, with its disclosure of what passion, though it were but individual passion, might lead to. One John Brown,[1] come out of Kansas for the purpose, attempted of a sudden, on the night of Sunday, October 17, 1859, a liberation of the slaves round about Harper's Ferry, in Virginia, madly hoping to set a general insurrection aflame and bring emancipation on by force. The attempt failed miserably, and Brown was sent to the scaffold; but that was not the whole of the matter. The striking character and self-forgetful passion of the man held the attention and moved the spirits of every one who looked upon the event to heed it. He was a mad fanatic, but no common rascal and adventurer. He had gone, four years before, out of Connecticut, with his four sons, to throw himself into the struggle against slavery in Kansas, and had got a price set upon his head there for lawless violence and massacre; but there was in him the spirit as if of a blind and maddened crusader; he fought and did deep evil, not for himself, but for a cause; and men held their breath at thought of him as if at sudden sight of some fateful omen. To the eyes of the southern men his image loomed big, as the very embodiment of the party

[1] See page 249.

arrayed against them and the institutions they lived under. Brown was found to have obtained money and arms by subscription out of the North. They had been supplied him, it turned out, for use in Kansas, not for use at Harper's Ferry; but the southerners made no discrimination in that matter. In either case, it was aid given to a man who was expected to fight slavery at any cost, and without reckoning of law or consequences. They would not now distinguish between that and the objects of the Republican party itself.

They coupled this fatal raid with the systematic and successful attempts of the northern States to nullify the Fugitive Slave Law. Runaway slaves seized under that law had again and again been rescued by force, and the rescuers had escaped punishment by the action of friendly juries and the systematic application of the writ of *habeas corpus*. Every possible obstacle had been put in the way of the operation of the law by state statutes, — lawyers had been disbarred for acting for those who claimed the runaways, the use of state prisons had been denied, and state officers had been heavily fined for participating in the execution of the federal enactment.

While the impressions made by the unhappy affair at Harper's Ferry were still vivid, while the heat it had engendered was still at its height, the presidential campaign of 1860 came on, and the havoc sectional feeling had made was laid painfully bare. The Democratic party was at last hopelessly rent into factions, divided, as was inevitable, upon the question of standing with Mr. Douglas, for the principles of the Kansas-Nebraska legislation, of the sovereignty of the people of a Territory no less than of the people of a State, or, with

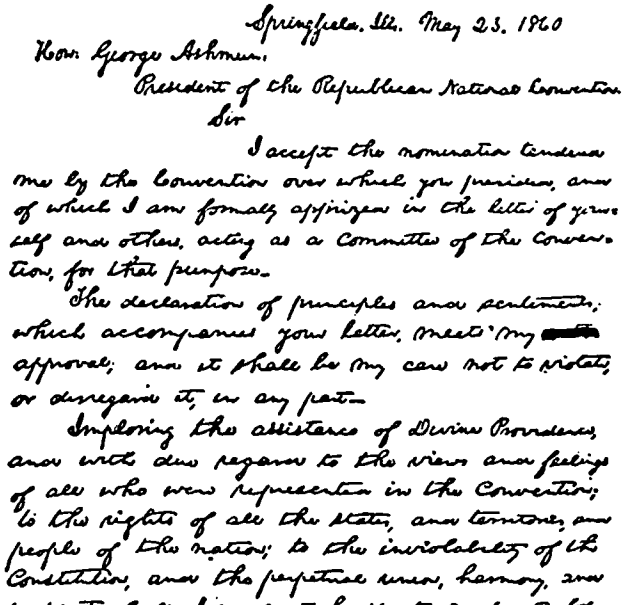
the southern men, for the extreme doctrine of the Dred Scott case. No agreement was possible; the men of the one view and of the other had come at last to the parting of the ways. The usual party convention was tried, but was broken at once into factions, each of which tried to rally the party to itself in a separate convention of its own. The one faction nominated Mr. Douglas; the other Mr. Breckinridge, the Vice President. The Republicans, meeting in Chicago, where the ardent enthusiasm of the Illinois men for their newly risen champion was felt at its full, put aside Mr. Seward, whom the country and the party itself had confidently expected to see named, and nominated Mr. Lincoln for President. A third party, heir of the Know Nothings, but strengthened also by many conservative

COLONEL LEE'S MARINES BREAKING INTO THE ENGINE-HOUSE AT HARPER'S FERRY

men who had despised Know Nothingism and meant now merely to hold the country off, if they could, from all extremes, met and made its nominations also, calling itself the "Constitutional Union" party, and avowing as its simple creed "no political principle other than the constitution of the country, the union of the States, and the enforcement of the laws."

In the election which ensued almost every man who doubted whither to turn with his vote acted, when the day came, with the Republicans, and Mr. Lincoln was elected President. The electoral vote was to be, one hundred and eighty for Mr. Lincoln, one hundred and twenty-three for his three opponents combined. With the exception of four votes won at a hazard in New Jersey, which had divided its votes between Mr. Lincoln and Mr. Douglas, the Democrats had obtained not a single electoral vote in the North or West. Virginia, Tennessee, and Kentucky had cast their votes for Mr. Bell, the nominee of the "Constitutional Union" party; the rest of the South had voted for Mr. Breckinridge. Mr. Douglas was to receive the nine votes of Missouri and the three which New Jersey had withheld from Mr. Lincoln. It was an ominous thing, nevertheless, that, despite his undoubted majority in the electoral college, the election had gone against Mr. Lincoln, reckoning by the vote of the people, by a majority of close upon a million out of a total vote of but a little more than four millions and a half. In almost every State that Mr. Lincoln had carried the vote for Mr. Douglas had trodden close upon the heels of his own. The total vote had been 4,682,069. Of this Mr. Lincoln had received 1,866,452, Mr. Douglas 1,376,957, Mr. Breckinridge and Mr. Bell together 1,438,660. In the

North and West alone the vote cast against Mr. Lincoln had been 1,575,000. In Oregon and California, whose electoral votes he was to receive, the aggregate opposition vote had been nearly twice that cast for him. It was a deeply perilous thing that such



Springfield, Ill. May 23. 1860

Hon. George Ashmun.
President of the Republican National Convention.
Sir

I accept the nomination tendered me by the Convention over which you presided, and of which I am formally apprized in the letter of yourself and others, acting as a Committee of the Convention, for that purpose.

The declaration of principles and sentiments, which accompanies your letter, meets my [redacted] approval; and it shall be my care not to violate, or disregard it, in any part.

Imploring the assistance of Divine Providence, and with due regard to the views and feelings of all who were represented in the Convention; to the rights of all the States, and territories, and people of the nation; to the inviolability of the Constitution, and the perpetual union, harmony, and prosperity of all, I am most happy to co-operate for the practical success of the principles declared by the Convention.

Your obliged friend, and fellow citizen
A. Lincoln

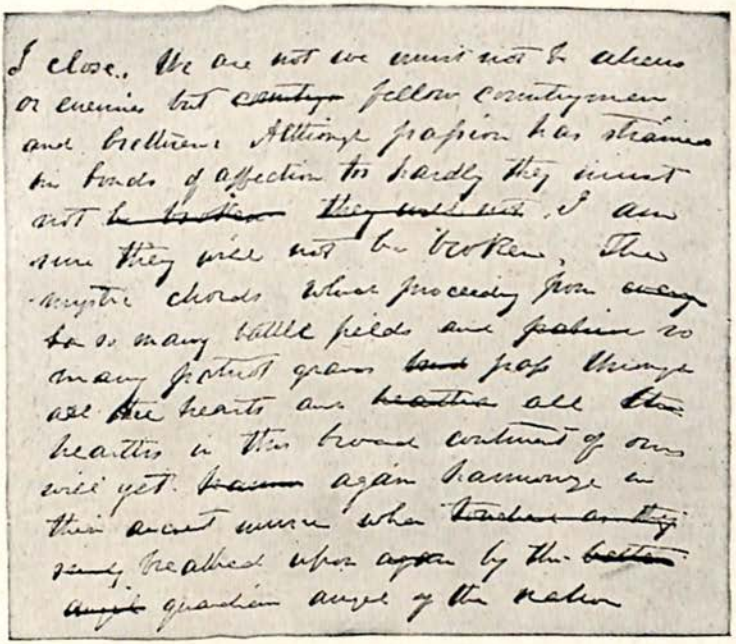
FACSIMILE OF LINCOLN'S LETTER OF ACCEPTANCE

a victory, won upon such issues, should have been won so narrowly, and through a minority of the nation.

Before Mr. Lincoln[1] was inaugurated seven southern States had withdrawn from the Union, and revolution was upon the country. The southern leaders of the extreme school of state rights and the doctrine of the

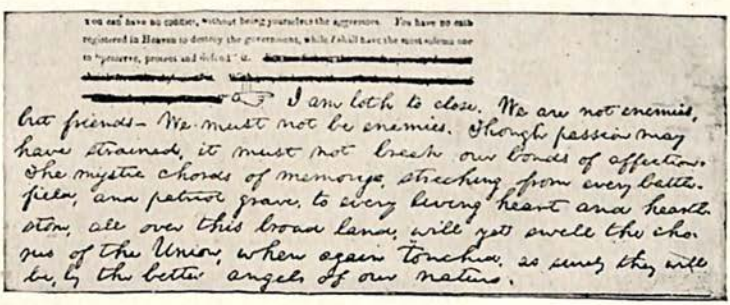
[1] See page 260.

Dred Scott case had consciously, avowedly staked everything upon the election, and accepted the result as conclusive of what self-respect and political exigency demanded of them. They looked upon this coming into power of the men of a minority which had set itself to check slavery and to shut the slave-holding States in, in order that they might be thrust from their place in the politics of the nation, as a thing fatal to the very principles of the partnership formed in those first days when the constitution had been framed, and accepted as a pledge of equality between the States. The Republican party had, indeed, always and with all proper emphasis disavowed any wish or intention to lay any hand of molestation or change upon the domestic institutions of the South itself. The anti-slavery men who were abolitionists were little more numerous in 1860 than they had been in 1840, and those who spoke for the Republicans vehemently disclaimed all alliance or sympathy with them. But, though they did not mean to lay the axe to the root of the tree, the partisans of Mr. Lincoln did mean to gird it about and let it die where it stood, as one of the senators from Louisiana passionately told them. They meant by law and force to keep slavery from getting any growth or outlet whatever. They meant also to nullify, if they could not repeal, the laws whose adoption the constitution commanded for the apprehension and return of runaway slaves, and put the whole system of slavery, so far as they might within the formal limits of the fundamental law, beyond the recognition or countenance of federal statute. Their creed and their actions alike were compounded of hostility towards the South; and the challenge of their success was direct and unmistakable.



I close. We are not we must not be aliens or enemies but ~~country~~ fellow countrymen and brethren. Although passion has strained its bonds of affection too hardly they must not be ~~broken~~ they will not. I am sure they will not be broken. The mystic chords which proceeding from every ~~battle~~ so many battle fields and patriot graves ~~and~~ pass through all the hearts and ~~hearths~~ all over this broad continent of ours will yet ~~harmony~~ again harmonize in their ancient music when ~~breathed~~ touched as surely they will be ~~again~~ by the ~~better~~ angels guardian angel of the nation

MR. SEWARD'S SUGGESTION FOR THE CLOSE OF MR. LINCOLN'S INAUGURAL ADDRESS

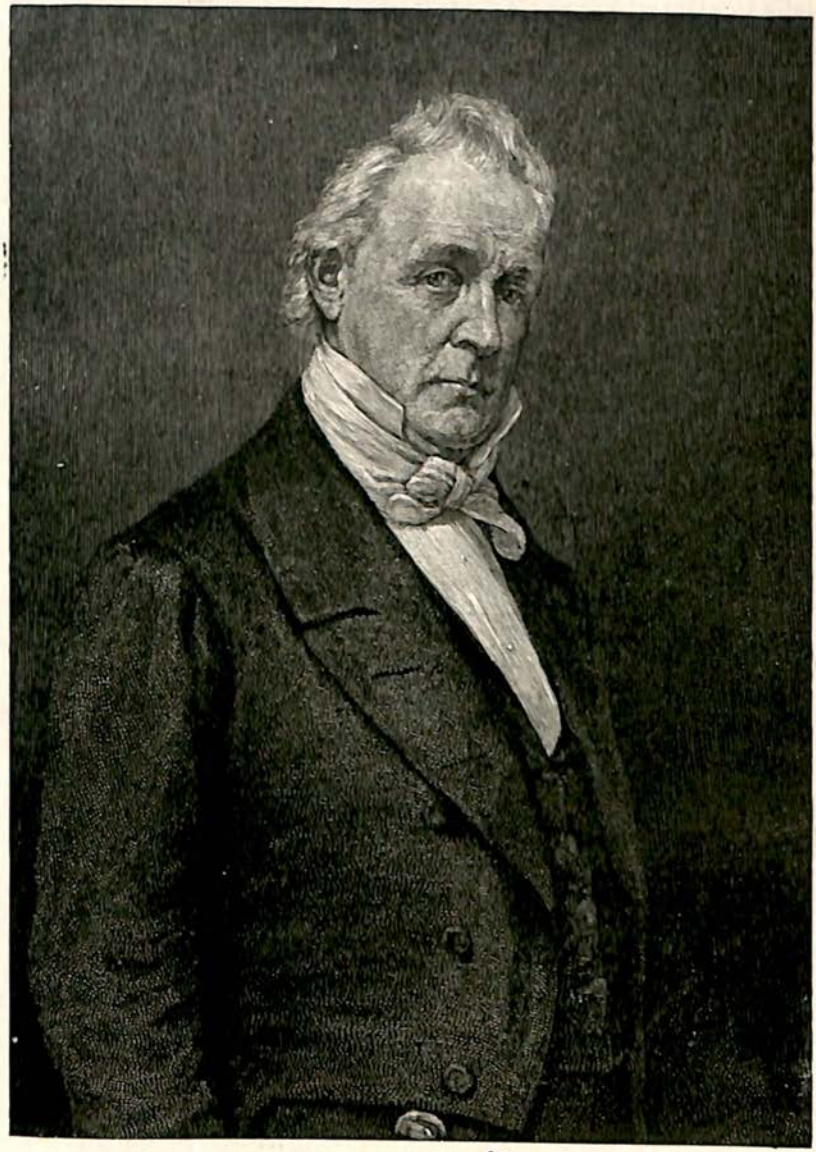


you can have no conflict, without being yourselves the aggressors. You have no oath registered in Heaven to destroy the government, while I shall have the most solemn one to "preserve, protect and defend" it. [redacted] I am loth to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battle-field, and patriot grave, to every living heart and hearth-stone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

CLOSING PARAGRAPH, IN MR. LINCOLN'S HANDWRITING, OF THE INAUGURAL ADDRESS

Men of southern mettle could not disregard or decline it.

Pride and self-vindication seemed the more imperatively to command that it should be accepted by the southerners because of what their opponents had said, with sneer and taunt and bitter detraction, about the system of slavery, which they maintained and stood for. No man who candidly looked back to the indisputable records of the colonial time could justly deem them responsible for its establishment. They had very earnestly and again and again protested against the traffic in slaves which the crown permitted, and the inevitable growth of servile labor which that hateful traffic brought in its train, to the thrusting out of white men and of the free labor which everywhere else gave dignity and efficiency to English communities; but the authority of king and parliament alike had forced and fostered it until it had seemed as if the entire slave trade of the world centred at their ports. Free hired labor had been once for all driven out, whether they would or no; the black people had multiplied among them until emancipation became a thing not to be ventured upon; work in the wet southern rice fields, upon the broad acres of tobacco, amidst the sugar cane, and out in the hot furrows of grain came at length, with long use and fixed custom, to seem a thing which only the African could stand. The northern States, ere separation from England set them free to be quit of slavery, if they chose, by emancipation, had diligently sought to rid themselves of the few negroes who had unsuitably found places of service in them by sending them also, as occasion offered, to the southern slave markets. Finally, when fate and slow habit and their



James Buchanan

JAMES BUCHANAN

own very multitude had fixed them, millions strong, upon the South, a base and support upon which all society seemed to rest, their labor, already indispensable, became of a sudden immensely profitable in the blazing sun of the cotton fields by reason of the invention of Whitney's cotton gin.

The system of slavery necessarily deprived the South of a body of small, yeomen farmers; but small farms abounded, nevertheless. A great majority of the southern farmers owned no slaves at all. If they could not afford to hire negroes from some neighboring planter who had hands to spare, they worked their fields themselves, like farmers everywhere. If they could afford to hire a negro or two, they worked with them, side by side, in the fields.

It was the accusation of moral guilt in the matter of slavery that stung the southern men most intolerably. They knew with what motives and principles they administered it, and felt to the quick the deep injustice of imputing to them pleasure or passion or brutal pride of mastery in maintaining their hold upon the slaves. Many a thoughtful man amongst them saw with keen disquietude how like an incubus slavery lay upon the South; how it demoralized masters who were weak, burdened masters who were strong, and brought upon all alike enormous, hopeless economic loss. Although the productive labor of the South was almost exclusively agricultural, more rich land lay waste and untilled there than in any other region of the country held in use and occupation. The indolent slaves did not work as free laborers would have worked, and could not be made to. Intensive methods of farming were out of the question. Land had first to be used, without artificial renewal,

and then allowed long to lie fallow and get its recuperation by the slow processes of nature. The narrow margin of profit under such a system of labor and tillage constantly threatened to disappear altogether. And

A. S. Johnston ALBERT SIDNEY JOHNSTON

yet the care of the slaves, their maintenance like a huge family of shiftless children, remained a duty and a burden which the master could not escape, good season or bad, profit or no profit.

Travelers could find whatever condition they looked

for among the slaves. Where it was necessary to assemble and keep them hundreds strong upon remote plantations, lying in some malarial district upon the coast or in the river bottoms, where they could live but their master could not, they were often enough hard driven by brutal men, themselves mere hired drudges, who cared for nothing but to get the exacted stint of work out of them. But where the master was himself at hand there was almost always moderation, a firm but not unkindly discipline, a real care shown for their comfort and welfare. They were taught handicrafts, because each plantation was of necessity, in respect of every simpler kind of work, a complete industrial community. It was necessary that it should maintain its own shoemakers, tailors, carpenters, bricklayers, blacksmiths, and men of all work. There was seldom any town near at hand to supply even its commoner wants. The punishments each master meted out he allotted rather as magistrate than as master. The offences which he punished would most of them have gone before a magistrate had the offenders been freemen. "On principle, in habit, and even on grounds of self-interest, the greater part of the slave owners were humane in the treatment of their slaves,—kind, indulgent, not over exacting, and sincerely interested in the physical welfare of their dependants," said an eminent northern man of letters, speaking of what he saw in 1844.

Domestic slaves were treated with affection and indulgence, cared for by the mistress of the household. The life of a southern planter's wife was a life of executive labor, devoted chiefly to the care and training of her slaves. Social privilege and the proud *esprit* of

their class bred in southern masters a sense of the obligations of station; and the spirit of the better men ruled the conduct of the less noble. The demoralizing influences of the system were checked as much as it was in human nature to check them. Southern gentlemen despised a slave trader as heartily as any northern man did, necessary though his occupation seemed to be; sold and bought slaves by private arrangement when they could; and sought in every way to keep the worst features of the system at a minimum.

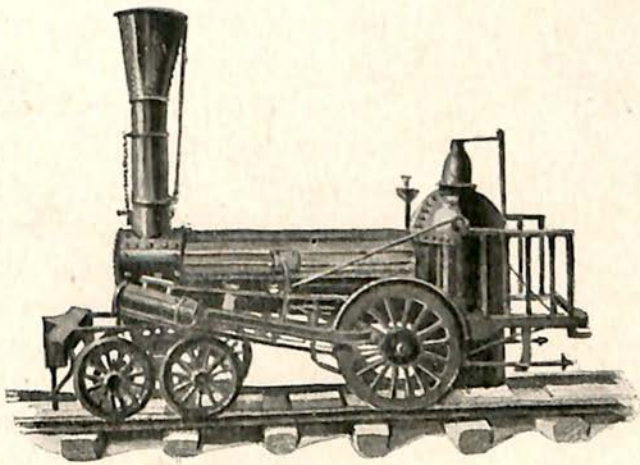
That very fact, their very consciousness that they exercised a good conscience in these matters, made them the more keenly sensitive to the bitter attacks made upon them at the North, the more determined now to assert themselves, though it were by revolution, when they saw a party whose chief tenet seemed to be the iniquity of the South, about to take possession of the federal government. They had the inevitable haughty pride of a privileged class. Probably not more than one white man out of every five in the South was a slave holder; not more than half had even the use or direction of slaves. Hundreds of the merchants, lawyers, physicians, ministers who were the natural ruling spirits of the towns owned none. But the men who were slave owners were the masters of politics and of society. Their sensibilities were for all practical purposes the sensibilities of the South; and for close upon forty years now it had seemed as if at every turn of the country's history those sensibilities must be put upon the rack. The Missouri compromise of 1820 had treated the institution of slavery which they maintained as an infection to be shut out by a line as if of quarantine. The alarming insurrection of the slaves of southeastern

Virginia under Nat Turner in 1831; the English Act of Emancipation and the formation of the American Anti-slavery Society in 1833; the slow and dangerous Seminole war, which dragged from 1832 to 1839, and was as much a war to destroy the easy refuge of runaway and marauding negroes in Florida as to bring the Indians, their confederates, to submission; the critical Texas question; the Mexican war and the debatable Wilmot proviso; the Kansas-Nebraska Act, the "free-soil" campaign, the break-up of the Whigs and the rise and triumph of the Republicans:—it had been a culminating series of events whose wounds and perplexities were always for the South. Southerners might have looked upon the election of Mr. Lincoln as only a casual party defeat, to be outlived and reversed, had it not come like a dramatic *dénouement* at the end of the series. As it was, it seemed the last, intolerable step in their humiliation.

The North had not realized as the South did what the election of 1860 meant. Southern men had been keenly conscious that the issues of revolution hung upon it. That consciousness explained the votes of Virginia, Tennessee, and Kentucky, cast for Mr. Bell, the candidate of the Constitutional Union party. In other parts of the South as well votes by the tens of thousands had been cast for the candidates of that party, by men who loved the Union, dreaded revolution, prayed for peace, and sought this means of escape from the fatal antagonisms of the regular parties. Northern voters, too, had been uneasy; but the air of opinion about them had not been charged as the southern air was with the keen forces of passion put to its final test. There was not among them the universal feeling which stirred

in the South, that politics had come at last to a breaking strain.

South Carolina, alone among the States, still chose her presidential electors through her legislature. Having chosen her eight electors upon the appointed day in 1860, and instructed them to vote for Mr. Breckinridge, her legislature remained in session to learn the result, prepared to take action at once should what it



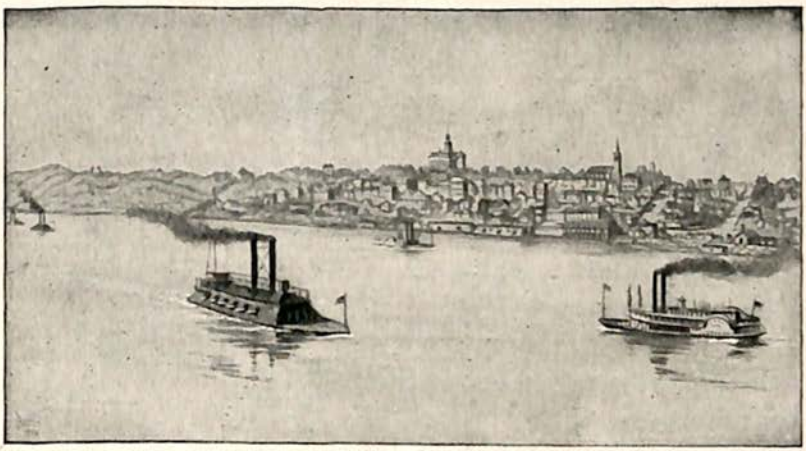
THE "GEORGE WASHINGTON" LOCOMOTIVE, 1835

feared come to pass. When the news came that a majority in the electoral college had been secured for Mr. Lincoln, it immediately called a state convention, provided for the purchase of arms, and adjourned. On the 20th of December following the convention which it had called, sitting in Charleston, adopted an ordinance which solemnly repealed the act of the convention of the 23d of May, 1788, whereby the State had accepted the constitution of the United States as part of its fundamental law, together with all subsequent

ratifications of federal constitutional amendments, and formally declared the union hitherto "subsisting between South Carolina and other States, under the name of the United States of America," dissolved and ended.[1] By the first day of February following Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas had also seceded. On the fourth day of February (1861) delegates appointed by the several conventions of the seceding States met in convention at Montgomery, Alabama, to frame a provisional constitution and choose a provisional executive for a separate southern Confederacy. Mr. Jefferson Davis, until a few weeks before a senator of the United States from Mississippi, was chosen provisional President, Mr. Alexander Hamilton Stephens, until two years before a member of the federal House of Representatives from Georgia, provisional Vice President. In March a permanent constitution was adopted, to take effect the next year. True to their theory of government, the southern States had returned to the political methods of 1788. Each State had, not by popular vote, but by sovereign convention, withdrawn from the Union, as she had acceded to it. The same conventions that had chosen the delegates sent to Montgomery ratified the constitution which they framed, and authorized the inauguration of the new Confederacy.

It was corporate action, taken with the initiative and promptness of men skilled alike in the theory and in the practice of constitutional action, as Mr. Calhoun and all southern statesmen expounded it. They assumed that, since each of their States had entered the Union of its own accord, as into a free partnership, and might have declined to enter it, it was clearly within

[1] See page 259.



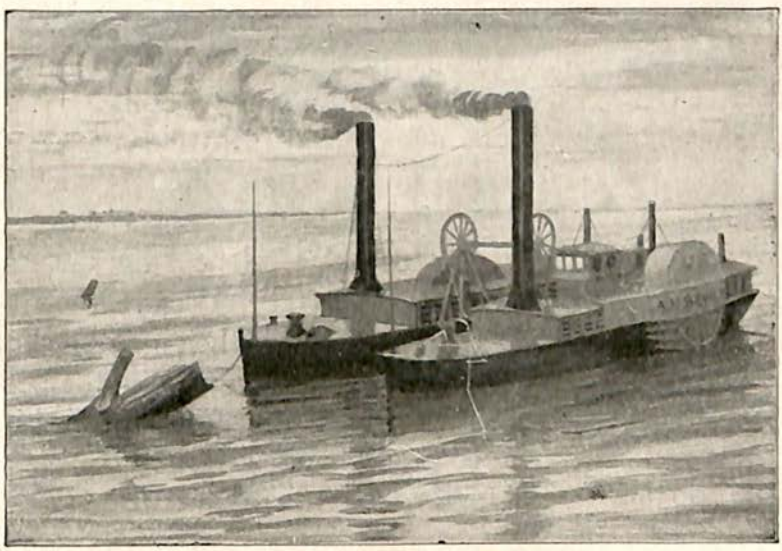
VICKSBURG, MISSISSIPPI, 1863

its privilege to withdraw when just cause for withdrawal seemed to exist. It was an assumption the theory of which would hardly have been seriously questioned while the generation lived which made the Union; though that generation would have been as ready as any that followed it, no doubt, to make protest, it might be of arms, against actual secession. Neither change of thought nor change of political conditions in the nation at large had altered the thought of the South with regard to the character of the government; for she had not herself changed, and her own thought had kept steadfastly to the first conception of the Union. But to the rest of the country such a theory had become little less than incredible, often as southern statesmen had expounded and pressed it. The constitution of a nation, though written, cannot remain a mere legal document. The life of each succeeding generation must inevitably be read into it, if only because it must be men of successive generations who read and interpret

it. They can but comprehend it in terms of their own lives. It must become the vehicle of their growing thought, if it is to suffice them; must serve as the skeleton frame of a living organism. For a majority of the nation no conception of the Union was now possible but that which Mr. Webster had seemed to create and bring once for all to their consciousness in that debate with Hayne which had been a turning point in all men's thinking. A Union full of new States, themselves its own creation; a people recruited out of almost every civilized nation of the world, bound together by railway and telegraph, busy with enterprises which no State or section could imprison within local boundaries, quick and various, as in the old days, but now at last conscious of its unity and its organic integrity, could not turn back to a particularistic creed which might make every jar of politics threaten to break its joints asunder.

And so it happened that the action of the southern States took the North by surprise. Often as they had heard the doctrine of secession preached, the northern people looked upon it as a singular and novel thing when they saw it thus put into practice. The spirit, precision, and concert, the despatch and radical thoroughness with which the southern men acted, as if upon a programme familiar and matter of course, filled the North for a little with mere dull amazement. Their quick pace in revolution, their confidence as of men who had no doubts or misgivings, confused and for a brief space dismayed those to whom the North naturally looked for counsel and guidance. The very month South Carolina seceded, before any other State had taken action to join her, she sent commissioners to

Washington to arrange, as of course, for a division of the national debt and for the formal transfer of all national property lying within the State; and Mr. Buchanan knew not what to do. He promptly and unequivocally denied the right of the States to secede; but he knew, he said, no legal means of actually preventing their secession. The law officers of the gov-



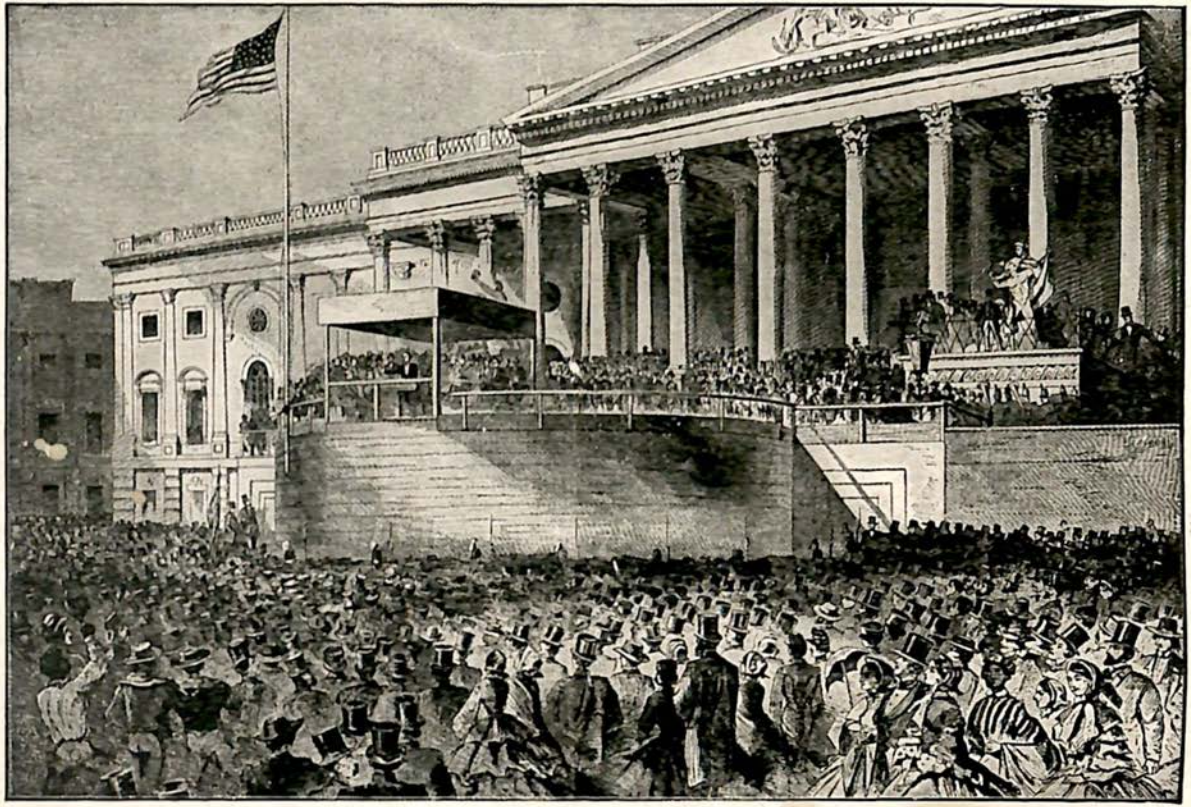
A SNAG BOAT ON THE MISSISSIPPI RIVER

ernment could give him no light; from no quarter came any clear counsel or unhalting judgment in the matter. Congress attempted measures of compromise. A Peace Conference assembled, at the suggestion of Virginia, to discuss plans of accommodation, and a committee of the Senate concurred in its recommendations: the extension of the Missouri compromise line to the Pacific, the positive establishment of slavery by law south of that line, and compensation from the federal treasury

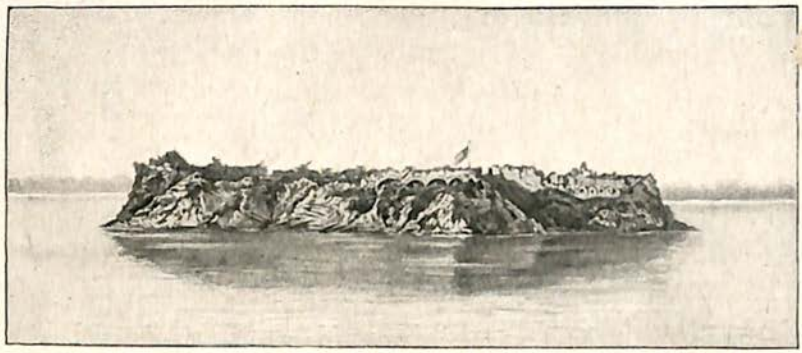
for all fugitive slaves rescued after arrest. But Congress seemed partially dissolved, ere the winter was over, by the withdrawal of members from the States which one by one seceded; nothing could be done while it seemed insecure of its very membership; there was nowhere agreement or coolness or courage enough to make any plan feasible.

The southern men withdrew from the cabinet, as they withdrew from the House and the Senate; southern men by the score left also the lower ranks of the civil service and went home to offer their services to the new Confederacy; southern officers withdrew from the army and the navy as their States seceded; the authorities of the newly federated States took possession, as they left the old Union, of the arsenals, forts, custom houses, and post offices within their territory. Before the authorities at Washington had made up their minds what to do every fortified place in the South was in the possession of the Confederacy except Fortress Monroe in Chesapeake Bay, Fort Sumter in Charleston harbor, Fort Pickens at Pensacola, and the fortifications near Key West. All familiar things seemed dissolving, and Mr. Buchanan scarcely knew what government he had to handle. Some of the men about him upon whom he was obliged to depend believed that the southern states had a right to do as they were doing; others denied their right but knew not how to check them; still others knew what ought to be done but had not the courage or the initiative to do it. All the country waited, the President himself included, to see what Mr. Lincoln and his Republican advisers would do.

Men noted the sad and anxious eyes of the new President; noted also, with a certain deep misgiving, his



LINCOLN MAKING HIS FIRST INAUGURAL ADDRESS



FORT SUMTER ON NOVEMBER 10, 1863

gaunt and uncouth figure, as of a man too new, too raw, too awkward, too unschooled in affairs for the terrible responsibilities and tangled perplexities of the great office he undertook. They did not know the mastery of the man; they did not see that the straight fibre of this new timber was needed to bear the strain of affairs grown exigent beyond all common reckonings. There was the roughness of the frontier upon him. His plain clothes hung unthought of on his big, angular frame; he broke often, in the midst of weighty affairs of state, into broad and boisterous humor; he moved and did the things assigned him with a sort of careless heaviness, as if disinclined to action; and struck some fastidious men as hardly more than a shrewd, good natured rustic. But there had been a singular gift of insight in him from a lad. He had been bred in straitened, almost abject poverty; his shiftless father had moved from place to place in search of support and shelter for his growing family, and had nowhere got for them more than a bare subsistence; and yet this lad had made even that life yield him more than other boys got from a formal schooling. He matured as slowly as another.

his life quietly kept pace with the simple folk who were his neighbors, no vital sign of his special gifts giving noticeable prophecy of what he was to be; but there came a power of mastery into his mind, nevertheless. He took pains to get to the heart of what others about him but half understood; he used his wits for argument and observation as another lad might have used them for play, and made the use of words, the exact speech which hit his meaning always at the centre, his method of analysis. And so his mind had filled as each item of his experience made its record, as each glimpse of the world came to him. He had made a career for himself in his State which culminated in his debate with Senator Douglas, to which all the country paused to listen; and he was ready to be President by the time he became President. He called both Mr. Seward and Mr. Chase, the hitherto accepted leaders of his party, into his cabinet, the one as Secretary of State, the other as Secretary of the Treasury; but he associated others with them who were of other views and of his own personal choosing; and he himself made his own choice of policy.

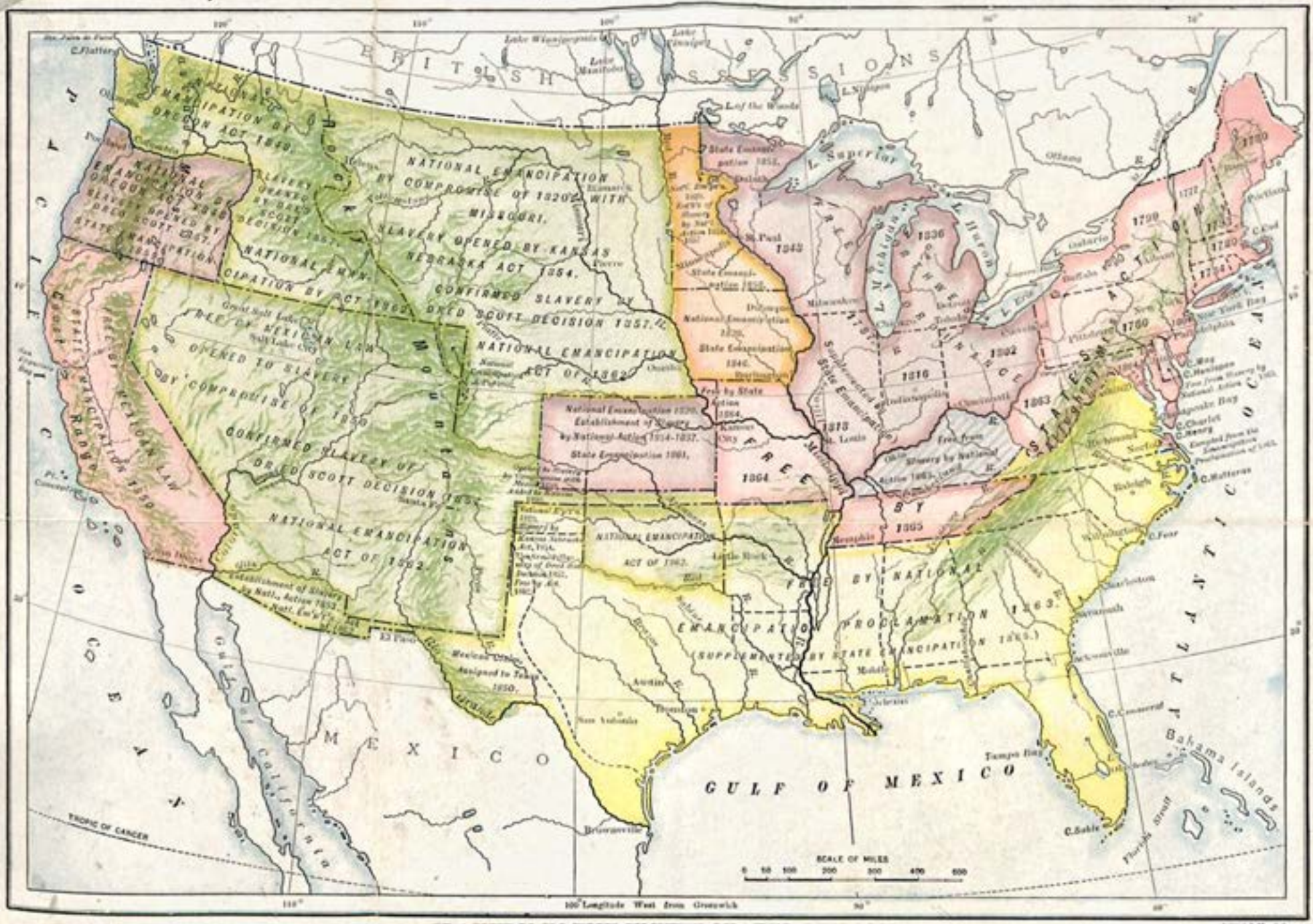
His breeding among plain people like himself, accustomed to respect law with simplicity and obey it without subtlety, gave him the direct vision which politicians lacked. He revered the constitution, had sworn to preserve and defend it, and would not "take an oath to get power and break the oath in using that power"; but he viewed his duty in the large, and declared it his conviction that it would be breaking that oath, and not keeping it, if, "to save slavery or any minor matter," he should "permit the wreck of government, country, and constitution all together." He sought

to combine conciliation with this clear purpose to preserve the Union; but while those about him swung from this measure to that and were weak in their excitement, he was only patient and watchful, waiting for opinion and the right day of action.

The time came when, early in April, 1861, word was sent from Washington to the governor of South Carolina that Fort Sumter would be reinforced and provisioned against seizure. The message was sent on April 8th. On the 12th fire was opened upon the fort; on the 14th, ere reinforcements could reach them, its little garrison surrendered. On the 15th Mr. Lincoln called, by proclamation, for seventy-five thousand volunteers.[1] Upon that signal, four more southern States seceded: Arkansas on the 6th of May, North Carolina on the 20th, Virginia on the 23d; and Tennessee on the 8th of June. Issue was made up, and all men knew what it meant, — not compromise, but war.

The southern leaders had not at first expected this. They had thought to bring on a constitutional crisis, but not a civil war. They had meant at any hazard to make good their rights under the federal arrangement, and had deliberately resorted to secession because they thought that better terms could be made out of the Union than in it; but they had expected their opponents at the North to come to terms. Their people had followed and upheld them upon that expectation, and would not willingly have followed them on any other. But when the sound of the guns at Sumter was heard it became at once another matter. The thrill of a new purpose and passion shot through the country, north and south. It was with the one side as with the other.

[1] See page 277.


BRITISH POSSESSIONS
NATIONAL EMANCIPATION BY COMPROMISE OF 1820 WITH MISSOURI.
SLAVERY OPENED BY KANSAS NEBRASKA ACT 1854.
CONFIRMED SLAVERY BY DRED SCOTT DECISION 1857.
NATIONAL EMANCIPATION ACT OF 1862.
FREE BY NATIONAL PROCLAMATION 1863.
(SUPPLEMENTED BY STATE EMANCIPATION 1865.)
CONFIRMED SLAVERY BY DRED SCOTT DECISION 1857.
OPENED TO SLAVERY BY COMPROMISE OF 1850
NATIONAL EMANCIPATION ACT OF 1862.
NATIONAL EMANCIPATION BY OREGON ACT 1848.
NATIONAL EMANCIPATION BY OREGON ACT 1848 SLAVERY OPENED BY DRED SCOTT DECISION 1857.
STATE EMANCIPATION 1850
FREE BY MEXICAN LAW
OPENED TO SLAVERY BY COMPROMISE OF 1850
CONFIRMED SLAVERY BY DRED SCOTT DECISION 1857.
NATIONAL EMANCIPATION ACT OF 1862.
FREE BY MEXICAN LAW
STATE EMANCIPATION 1850
NATIONAL EMANCIPATION ACT OF 1862.
FREE BY NATIONAL PROCLAMATION 1863.
(SUPPLEMENTED BY STATE EMANCIPATION 1865.)
GULF OF MEXICO
MEXICO
PACIFIC OCEAN
ATLANTIC OCEAN
Bahama Islands
TROPIC OF CANCER
SCALE OF MILES
0 50 100 200 300 400 500
100° Longitude West from Greenwich

SLAVERY IN THE UNITED STATES, 1775-1865.

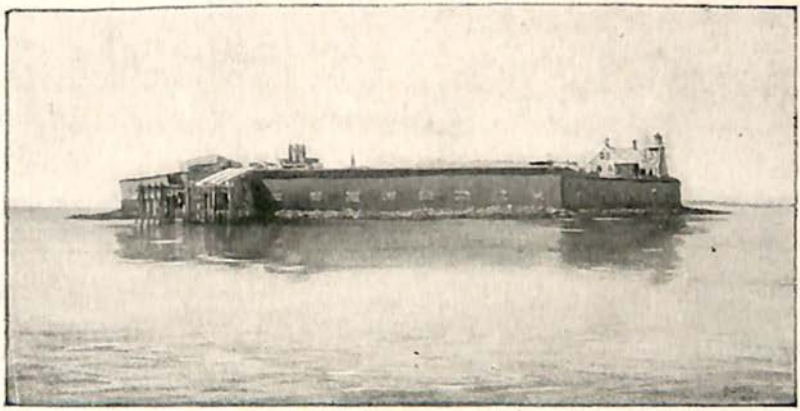
The southern people would not at the first choice have deliberately set themselves with open eyes to bring a war of revolution on; the people of the North, as conservative of law and of right as the men of the South, drew back, at the first shock and surprise of secession, from coercion or violence, questioned anxiously what they should do, and hesitated as their government did.

INTERIOR OF FORT SUMTER AFTER THE BOMBARDMENT, DECEMBER, 1863

Mr. Seward, of the President's own household, made the amazing suggestion that the slavery question be ignored and the country drawn together to support some aggressive stroke of foreign policy, which should rekindle the national feeling and fill all sections alike with the old temper of patriotism, the South with the rest. It was the sound of war and the call for men that changed the very atmosphere, north and south alike, and set all thoughts in a new channel. Richmond was made

the capital of the Confederacy, instead of Montgomery as if to put the officers of its government at the front the northern and southern capitals face to face. Mr. Davis called for volunteers in the South, as Mr. Lincoln did in the North; and the call was responded to eagerly and at once, in the one section as in the other. Even then men were slow to realize the awful business in hand; expected the fighting to be brief, accommodation or surrender to come at once. In the South men flocked to the rallying places and set out with their regiments in blithe spirits, as if for a holiday excursion, not knowing the grip of fate that had closed upon them. But a little while, and these hallucinations had passed away.

The war which ensued disclosed its real nature soon enough. For a year it lingered and was desultory, without plan, speed, or vigor, as if both sides waited, as indeed they did, to muster their resources, contrive a proper organization for the struggle, and discover each beyond a peradventure the temper and purpose of the other. But after that there was neither doubt nor pause in the desperate business, and all the world saw how the flames of civil war had enveloped a whole continent. It was a noteworthy thing how prompt and decisive the grapple of the sections was, for all there had been at first long months of doubt and hope, of confused preparation and all the slow processes by which conservative men adjust themselves to the exigencies of a revolutionary crisis. In the South there was a government to make, as well as an army; in the North a government to remake, a civil service to reconstitute. A year was needed to supply administrative means and make men and methods ready, on the one side as on the other. But a year sufficed.



FORT SUMTER, AS REBUILT

Actual fighting, no less than strenuous efforts to be ready for it, had added its sharp definition to all else that the year disclosed. In July (1861) General McDowell had moved with the new federal levies from Washington southward, for a stroke at Richmond. At Bull Run, on the 21st, he had met the confederate forces under Generals Beauregard and Joseph E. Johnston, and after a stubborn and sanguinary battle had been thrown back in utter rout, his regiments not to be kept together because of the panic and confusion of their flight. But it had been a battle and nothing more. The troops on the one side as on the other were raw volunteers; both governments had hoped until the other day to see the conflict ended by a mere show of force or by some sudden stroke, and the confederate commanders were as little prepared to follow up an advantage as their opponents would have been. For a moment the South thought that this battle was all; the confederate troops themselves believed that it was, and incontinently set out in crowds for their

homes, without leave taken. In fact it had only shown that there must be set campaigns and a war of conquest.

Down all the long border between North and South which followed the river Ohio to the Mississippi, the lines had been made clear, the while, which were to be the boundaries of the Confederacy, its outer lines of defence. The western counties of Virginia, beyond the long southwestern line of the Blue Ridge, sympathized, in this issue between slavery and the Union, with the men of the North, not with the men who had carried their State out of the Union, and federal troops, operating there out of Ohio under General McClellan, drove the detachments of confederate volunteers sent against them back over the mountains. In Kentucky also and Missouri slowly gathering armies out of the North pressed the frontier of secession in; and kept the great stream of the Ohio open beyond its junction with the Cumberland and the Tennessee, flowing southward, all the way to the Mississippi itself. Missouri, though at first it had seemed as if the other faction would control her, was held off from co-operation with the Confederacy by the sentiment of her own people. Kentucky, too, slave State though she was from of old, refused to cast in her lot with the seceding States about her; and confederate forces, though they operated for a little while within her territory and found many sympathizers and partisans there, and many men willing to swell their ranks, operated almost as if upon alien ground and kept their lines at constant hazard. These, then, it presently appeared, were the long extended frontiers, from the Potomac, upon which the national capital lay, through the far Cumberland Gap to the Mississippi at Columbus

SERGEANT HART NAILING THE COLORS TO THE FLAG-STAFF,
FORT SUMTER

in Kentucky, from which the northern armies, growing in strength with every month, must strike in at the defences of the South.

Mr. Lincoln called Congress to assemble in extra session on July 4, 1861; and it addressed itself very heartily to the task of supplying the government with means of mastery. It voted the moneys asked for by the Executive, and the loan necessary to supply them; authorized the President to call for five hundred thousand volunteers; declared a blockade of the southern ports;[1] gave explicit statutory definition to conspiracy against the government; and provided for the confiscation[2] of all property used against it. In the regular session which presently followed, in December, it set out at once, in systematic wise, upon the policy of aid and taxation by which it meant at one and the same time to increase the resources of the country and put them at the service of the government. By midsummer, 1862, its programme was complete and enacted into law. Tariff duties were increased at every point at which domestic producers could be protected against foreign competition, and direct taxes were laid upon the products thus favored: specific taxes on iron, steel, paper, coal oil, leather, and a few other manufactures put upon a special list, and on other manufactures a general tax *ad valorem*. A liberal charter was given for a Union Pacific Railway which was to bind the two coasts of the continent together and give an eastern outlet to the produce of the West, and with it were given immense grants of public land along its route in aid of its construction. "Homestead" plots of the public land were offered at a nominal price to heads of families who would settle upon them in the West; and large sections of the public domain

[1] See page 280.

[2] See pages 284, 298.

were voted to the western States in aid of the establishment of agricultural colleges,—in order that the spread

David D Porter

DAVID DIXON PORTER

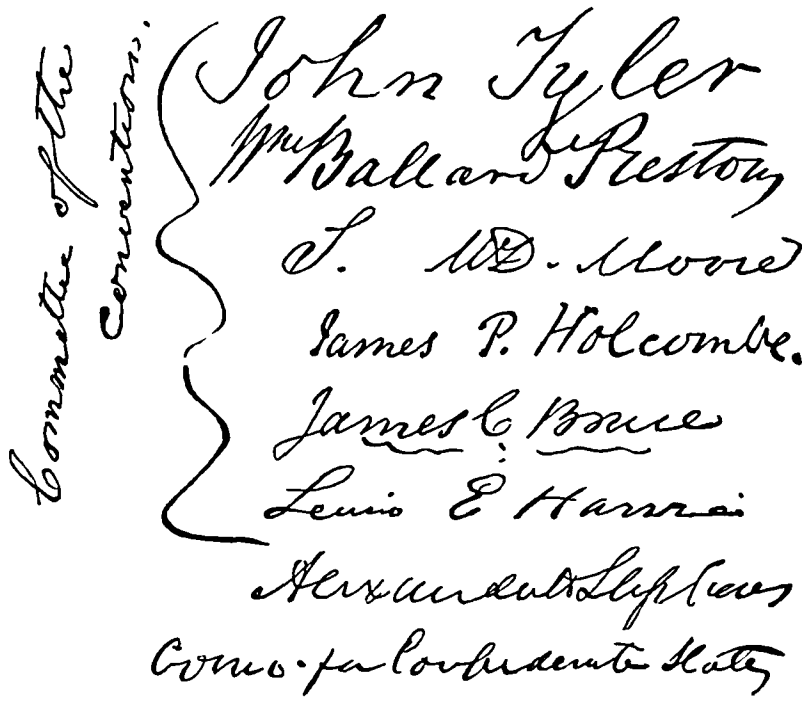
of population and of productive industry might be more than ever quickened and the accumulation of wealth forced on apace; while at the same time a general income tax was established, railway, steamboat, and

express companies were required to pay to the government a percentage of their gross receipts, and various occupations were closed except to those who would take out federal licenses. It was a policy of nurse and use which could not fail to yield the sinews of war. It meant that the resources of the North were to be added to and diversified at the very time they were being spent.

It had already become evident that the federal government must look for no sympathy from abroad in its effort to prevent secession. The sympathy of foreign governments, it was plain, if the events of the first year of the anxious business were to be read as evidence, was with the South, not with the North. It was likely they would observe very complacently any process of war or disintegration which promised to break the power of the huge republic growing up in the west, ere its rivalry in trade and influence should menace them. The blockade of the southern ports was, moreover, a direct blow at a lucrative trade in which more than one of them was interested. Immediately upon receiving news of Mr. Lincoln's proclamation of the blockade and of Mr. Davis's answering offer to grant letters of marque and reprisal against the commerce of the United States both France and England had issued proclamations of neutrality which gave to the confederate government international standing as a belligerent; and before the year was out an ugly incident seemed for a moment to threaten war with England.

The most influential classes in England were known to sympathize with the South; hundreds of English factories must stand idle and thousands of workingmen be brought to the verge of starvation, if the South, the great cotton field of the world, was to be shut against

commerce; and the southern leaders were prompt to seek England's active countenance. They sent commissioners over sea both to England and to France, to ask recognition: to England Mr. James M. Mason, of Virginia, a grandson of George Mason, the states-



SIGNATURES OF THE COMMISSIONERS OF VIRGINIA AND THE SOUTHERN CONFEDERACY

man of the Revolution; to France Mr. John Slidell, of Louisiana. Leaving Charleston for the West Indies, they took passage at Havana on the English steamer *Trent* for England.[1] On the 8th of November the steamer was overhauled in the Bahama channel by a United States man-of-war, and the commissioners were taken from her and carried prisoners to Fort Warren, in Boston

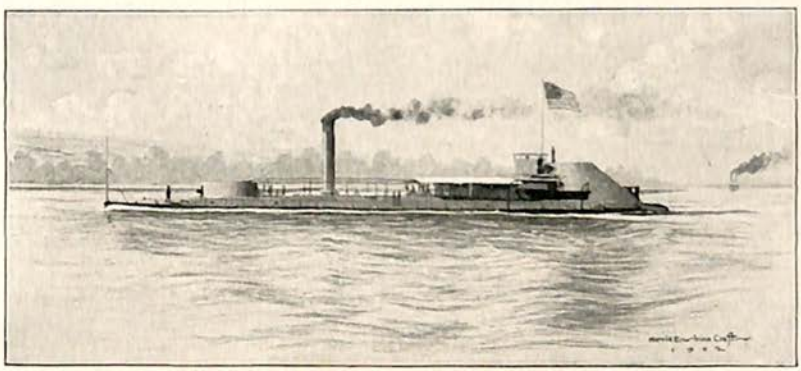
[1] See page 288.

harbor. It was a gross breach of international law, and of principles which the United States government had itself always been forward to insist upon; and England made instant protest, significantly accompanied by preparations for war. The act was disavowed and the prisoners released so soon as the matter was looked into. Mr. Lincoln had no mind to take any false step or cast any doubt on the principles of his government at such a juncture. But the unpleasant feelings provoked by the unfortunate affair were not so easily put by. War between the two nations had come close enough to give both a very disturbing glimpse of possible fatal antagonisms.

The spring of 1862 saw armies upon all the long borders of the Confederacy and fleets upon the coasts and on the western rivers. The area of the war was defined. Before the end of the year its whole scope and character were determined. In the West stroke after stroke of the federal arms forced the confederate lines southward. The accumulating northern armies and flotillas broke their way down the valleys of the western rivers like an irresistible, crushing weight. In the East, on the contrary, all things hung doubtful. The federal commanders there had not the gifts of the men in the West and fought against antagonists who outplayed them at every move. They found no way to concentrate their force upon the southern armies; were puzzled how to take the best way of attack and yet keep Washington covered; and Richmond seemed more inaccessible than the heart of Alabama.

Men who had the character and the capacity to succeed in the field made their way one by one to federal command in the West at the very outset: conspicuous

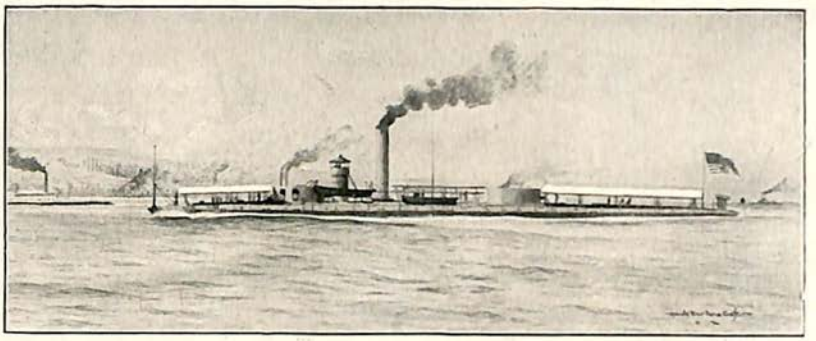
among them Ulysses Grant, a quiet soldier whose qualities only a day of action could bring out. He had won a first lieutenancy at twenty-five in the Mexican war; but few except his immediate superiors had noticed how his capacity had shown itself upon occasion in that fighting. He came of plain stock in which there was small impulse of achievement; his faculties fell dull in all ordinary seasons; there was a rustic simplicity about him which made him pass unnoticed among



THE OSAGE, TYPE OF IRON-CLAD USED ON THE MISSISSIPPI RIVER

strangers, a lack of self-assertion which rendered him disinclined to quarrel with obscurity. He had withdrawn from the army at thirty-two because the empty routine of a soldier's life worked a deep demoralization upon his easy-going nature when no action of consequence was in hand; but at the outbreak of the war he had enlisted again, as a volunteer, and had been given command of southeastern Missouri with the rank of general of brigade in the volunteer service.

Then it was that the qualities which had slept in him, save for a few glimpses of the day amidst the fight-



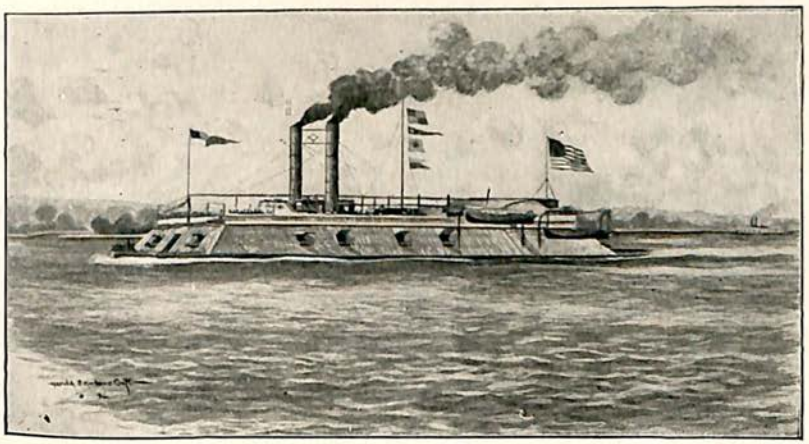
THE CHICKASAW, TYPE OF IRON-CLAD USED ON THE MISSISSIPPI RIVER

ing in Mexico, began to be shaken wide awake by what was to be done, and the responsibility which lay upon him to do it. It was he who, in the early autumn of 1861 (September 4th and September 6th), occupied Cairo and Paducah, the keys to the rivers at his front. The one lay at the junction of the Ohio and the Mississippi, the other at the junction of the Ohio and the Tennessee. From Cairo the Mississippi flowed down to the Gulf through the very heart of the Confederacy; at Paducah the Tennessee found its outlet, coming all the long way round about Tennessee out of the northern counties of Alabama; and near at hand, scarcely ten miles away, came down the Cumberland from its six hundred mile journey through Kentucky and northern Tennessee.

In February, 1862, the movement of the federal troops southward began, up the valleys of the rivers, under General Pope, General Buell, General Thomas, and General Grant, supported at each advance by gunboats on the rivers, and by midsummer a great wedge of armed men and boats had been driven into the confederate territory. General Grant, supported by a

fleet of gunboats under Commodore Foote, moved up the Tennessee River and took Fort Henry on February 6th; and on the 16th crossed to the Cumberland and took Fort Donelson. Following his movement, a force under General Pope, similarly supported by an armed flotilla, with infinite difficulty cleared the Mississippi of the confederate blockades at New Madrid and Island Number Ten, lying like outposts at the northern boundary lines of Arkansas and Tennessee.

General Grant, with that grim thoroughness which all men presently saw in him when once he was afoot, pressed forward, beyond the forts on the Tennessee and the Cumberland, to strike at Corinth, a railway centre in northern Mississippi. It was his principle to be moving always, forcing the fighting. He knew the men against whom he acted, he thought; most of them had been his comrades in Mexico. He thought he knew what mistakes they would make. But they

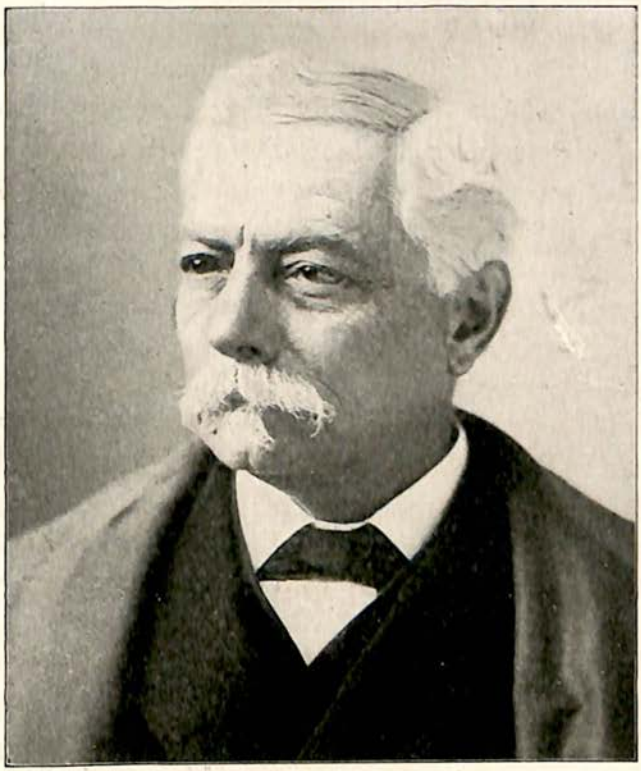


THE DE KALB, TYPE OF IRON-CLAD USED ON THE MISSISSIPPI RIVER

checked him very sharply whenever he blundered or exposed himself without force enough to crush them. On a Sunday morning, the 6th of April, a confederate force under General Albert Sidney Johnston fell upon his regiments by Shiloh church with an onset which could not be withstood, and only the confusion of their rushing victory and a steadfast regiment here and there to stem the tide saved his force from being caught in a corner between river and creek, his base at Pittsburgh Landing from being taken. But Johnston had been mortally wounded. A wound had severed an artery; he had ignored it and led a desperate charge in person; and had gone from the field to die. The next day brought Grant reinforcements which gave him commanding numbers, and he moved forward again, forcing General Beauregard, now in command in Johnston's stead, to retire before him. The federal army advanced upon Corinth at its leisure, one hundred thousand strong, under General Halleck, commander-in-chief in the West. A slow siege was drawn about the place, and on the 30th of May, when everything was ready for the final assault, Beauregard abandoned it, deeming it untenable. The abandonment of Corinth, added to the possession of the forts on the Tennessee and the Cumberland, gave the federal commanders control of the railways which led to Memphis on the river upon either flank, and it became impracticable for the confederate forces to hold the Mississippi anywhere above Vicksburg. On June 5th Fort Pillow was abandoned; and on the 6th the federal gunboats, by desperate fighting, broke the defences of Memphis. The river was open down to Vicksburg.

Meanwhile, a fleet operating from the sea below had

gained control of the lower reaches of the river also, and Vicksburg was accessible by the federal forces from the south. On the 18th of April Commodore Far-



G T Beauregard

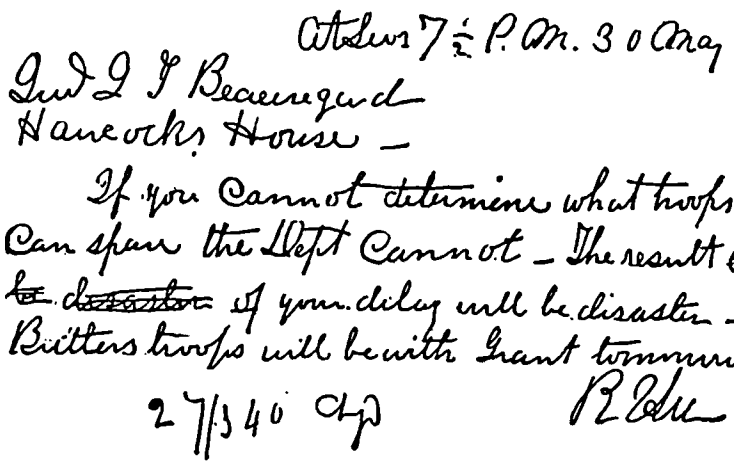
PIERRE GUSTAVE TOUTANT BEAUREGARD

ragut, who, as spring approached, had been sent to the Gulf to see what could be done to render the blockade effective at New Orleans, had opened fire on the forts which guarded the main outlets of the river. His fire proving of slow effect, he determined to attempt the

passage of the river without taking them, and on the 24th ran past them. The next day he took possession of the city, which had been evacuated upon his approach. The forts, thus isolated, were given up, and General Butler was put in possession of New Orleans, with the troops which had been waiting, ineffective till Farragut came, on Ship Island. When the year was out the confederate power touched the Mississippi nowhere but at Port Hudson and at Vicksburg, standing high upon its bluffs, a tangle of marsh and stream drawn about it everywhere but at the south and east, where the confederate armies were most easily handled to maintain it. Grant, still striking southward, attempted the formidable place before the year closed, seconded by General Sherman moving south from Memphis on the river. Each struck in turn; but each failed. The place remained to be taken.

In the East, meanwhile, in Virginia, where the fighting beat back and forth between the two capitals, fortune showed another face. There the federal commanders were outgeneralled and beaten. All the winter through, since the first fighting at Manassas, General McClellan, fresh from his successes in West Virginia, had been making ready an "Army of the Potomac" to move against the confederate capital. When spring came he showed himself in force on the old battle ground of the Revolution, taking his troops by water to Fortress Monroe and striking thence, against Joseph E. Johnston, up the peninsula which lay between the York and the James rivers. By dint of a month's siege he took Yorktown (May 4th). Following Johnston's retreat, he attacked him at Williamsburg and sought to prevent his crossing the Chickahominy, but could not. John-

ston, in his turn, himself across the river, attacked a part of McClellan's force which had crossed at Fair Oaks, before the rest could cross to their assistance, and two days' hard fighting barely saved the federal commander a disastrous loss. General Johnston having been wounded in the conflict, General Robert E. Lee took his place, a man whose quality of genius the Army of the Potomac was to learn until it had had its fill.

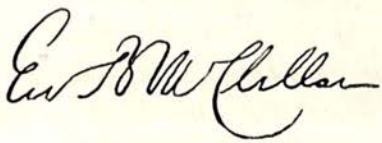


A CALL FOR REINFORCEMENTS

He was son to famous Lighthorse Harry Lee of the old days of the Revolution, but showed little of the dashing soldier in his person and bearing. He showed, rather, the modesty and unaffected gentle breeding of the old southern training; seemed never to stand for show but always for quiet principle, making those who dealt with him feel that he was a Christian as well as a gentleman, and felt the compulsion of nothing so much as the dictates of duty and honor. But, for all he was so simple and modest, he handled men under arms

in such fashion as presently made him the foremost soldier of his time. He was already distinguished. Since a lad he had served in the armies of the United States, loving the Union and serving it in the spirit he had taken from his father. The men who had served with him knew his genius; Mr. Lincoln had offered him the command of the army which was to act against the South. But he had declined the command, and, seeing how all things were turning in the home of his youth, had exchanged his federal commission for one held of Virginia for the coming struggle. He did not believe in secession; he utterly rejected the view of the constitution which so many of his neighbors had taken from Mr. Calhoun; it was revolution, in his view, nothing less, to break away from the government Washington and Madison and Hamilton had set up: they would have constructed no such rope of sand as the politicians about him told him it was meant to be. But he was of the breeding of the South: the breeding men in the North found it so hard to comprehend. Virginia was his home; there all his love and allegiance had their intimate rootage. If she seceded he must go with her; if armies were sent against her he must defend her. He explained it so, very frankly, before Virginia had acted, to General Blair, who brought him Mr. Lincoln's offer of the command of an army of attack. "I told him," he said, "as candidly and courteously as I could, that though opposed to secession and deprecating war, I could take no part in *an invasion of the Southern States.*" It was this quiet man, of clear principle, with a sentiment for his own people which was for him a thing as strong and imperative as principle, who now found himself in chief command against the army he might have led.

McClellan had expected to be joined by reinforcements under General McDowell; but the military genius of another confederate commander prevented that.



GEORGE BRINTON
McCLELLAN

Thomas J. Jackson had shown his quality in part at Manassas. There he had held his men unshaken against charge after charge of the federal regiments, and had been dubbed "Stonewall" Jackson from that

day. Now he showed gifts of another kind. He was oddly compounded of Covenanter and strategist; showed in all things a steadfastness, a stiffness of character and principle which seemed strangely contrasted with the audacity and sudden dash with which he moved when in the field. In fact the two things were united with singular harmony in the man: the iron character and the instant purpose: the will that operated like an impulse but which achieved its end with the precision of a thing calculated and long foreseen,—the almost instinctive energy of a mind that never doubted or turned aside. Hard-set principle and bold initiative were things to be looked for in combination in men of his Scots-Irish blood. By a series of sudden marches and surprises such as his opponents presently learned to expect but could never foresee or make themselves safe against, he cleared the Shenandoah valley of federal troops, seemed to threaten Washington itself, and kept McDowell where he was, to guard the seat of government. Then, as suddenly, he turned about and carried his forces by rail to General Lee, to assist against McClellan. For seven memorable days the two beat McClellan's army back until Richmond was safe and the federal forces once more on their farther base at the James.

Mr. Lincoln tried a change of commanders. General McClellan was removed, and General Pope was brought, fresh from his exploits on the Mississippi at New Madrid and Island Number Ten, to take his place. The theatre of operations was shifted northward to the courses of the Rappahannock, that the full bulk of the federal armies might be interposed between General Jackson and the city of Washington. But Pope fared worse than

McClellan. By a forced march through the mountains, Jackson turned his flank and defeated General Banks at the western end of his line at Cedar Mountain (August 9th). On the 29th of August Pope's own command was attacked at Grovetown, and the next day routed at Manassas, by Lee and Jackson combined. A confederate force despatched westward on the federal flank captured Harper's Ferry, with its arsenal and its supplies and eleven thousand federal troops; and Lee crossed the upper Potomac into Maryland and confronted his opponents once more, at Antietam. There, on the 17th of September, battle was joined again, McClellan once more in command,—but without decisive result. Lee was checked and foiled, that was all. He found himself obliged, nevertheless, to recross the Potomac and withdraw towards his base of operations.

The success was not enough to satisfy the authorities at Washington. Once more they took the command of the unhappy Army of the Potomac from McClellan, to bestow it, by way of further experiment, upon General Burnside, who immediately proved himself the wrong man for the task. On the 13th of December he threw himself upon the confederate forces intrenched on Fredericksburg Heights, and was repulsed with great loss. It was the last action in the East until spring should come again. The federal commanders could show no progress made in that quarter.

Opinion shifted uneasily, the while, the nation through. The unexpected scope and magnitude of the war, its slow and sullen movement, its anxious strain of varying fortune, its manifest upheaval of the very foundations of the government, turned men's hopes and fears now this way now that, threw their judgments

Millard Fillmore

MILLARD FILLMORE

all abroad, brought panic gusts of disquietude and dismay which lasted a long season through before any steady winds of purpose found their breath and their settled quarter. For eighteen months Mr. Lincoln had waited upon opinion, with a patience which deeply irritated all who wished radical action taken. He knew the hazards of the time as well as any man: feared that at almost any moment news might come of the recognition of the southern Confederacy by the old governments abroad; knew how important success was to hold opinion at home no less than to check interference from without; was keenly conscious how the failures of the Army of the Potomac offset and neutralized the successes of the federal arms in the West; and realized to the full how awkward it was, whether for the government of opinion at home or over sea, to have no policy more handsome than that of conquest and subjugation. It was necessary to put the South at a moral disadvantage by transforming the contest from a war waged against States fighting for their independence into a war against States fighting for the maintenance and extension of slavery, by making some open move for emancipation as the real motive of the struggle. Once make the war a struggle against slavery, and the world, it might be hoped, would see it a moral war, not a political; and the sympathy of nations would begin to run for the North, not for the South. But Mr. Lincoln knew also that the thoughts of the people changed more slowly than the thoughts of politicians; that the mass of men, who must fill the ranks of the armies and vote at the polls in the elections, quitted their old ways of thinking stiffly and with reluctance. He waited for their purpose to harden. He had come into office declaring that the party he led

had no intention whatever to molest slavery in the States which had already established it; and he knew that he must wait for the people at his back to change their temper under the strain of the fighting before he openly turned about to accept a revolution and seek emancipation as the object of the war.

By midsummer, 1862, he was convinced that opinion was ready. He waited only for some show of victory by the Army of the Potomac to put the new, aggressive policy he contemplated in countenance. The check given Lee at Antietam served the purpose, in lieu of something better; and on the 22d of September he issued a proclamation which gave formal notice that unless the southern States returned within a hundred days to their allegiance to the Union he would declare the slaves within their limits free. On the 1st of January, 1863, accordingly, he put forth a definitive proclamation of emancipation.[1] It was an act which bound no one except commanders in the field. The President had no authority to alter or abolish the laws of the southern States, in open secession though they were. He could do nothing more in actual execution of the proclamation than command federal officers in the field to set free the negroes who fell into their hands, and keep their freedom secure within the territory actually occupied or controlled by their troops. That he could do as an act of war, under his authority as commander-in-chief. Some of the federal commanders had already ventured to set the negroes free in the districts they occupied, but Mr. Lincoln had rebuked them and annulled their acts till he should be ready. The proclamation, when it came, was no law, but only his deliberate declaration of policy, for himself and for his party; and

[1] See page 300.

changed, as he had meant that it should change, the whole air of the struggle, and of politics as well.

For a moment opinion seemed to swing back, as if he had gone too far and too fast. The autumn elections, which followed the preliminary proclamation of September, showed in some quarters a marked uneasiness that he should have made so sharp a revolution in the avowed purposes of the party and the government he led; and a

FACSIMILE OF WAR SCRIP ISSUED BY THE CONFEDERATE LEGISLATURE OF MISSOURI

number of Republicans in the less steadfast constituencies lost their seats in the House of Representatives to Democrats. But opinion set steadily forward again with the President before the winter was out, and the reverses of the autumn elections did not slacken the action of Congress or daunt its leaders. Their radical measures matched with what they believed to be the real temper of the country in the face of a crisis which seemed to increase in magnitude and gravity with every campaign of the contending armies. In December, 1862, they did not hesitate to sanction the division of

Virginia into two distinct States by admitting the western counties of Virginia to representation in Congress as the State of West Virginia. The forty western counties of the Old Dominion, which lay beyond the Blue Ridge, had not sympathized with secession or a war for the maintenance of slavery. Northern troops under McClellan had got control of them at the very outset of hostilities, because of the friendliness of their people and the weak hold of the confederate commanders upon the region. The antagonisms between the people of the eastern and western counties,—the people beyond the mountains and the people within the Shenandoah valley and by tide-water, — were an old story. The mountains separated them in commercial interest; life ran differently on the one side and the other; the settlers beyond the mountains said that too little heed was paid to their affairs at Richmond,—or too much, by way of restriction. When the State went out of the Union, therefore, they deemed it a good time to make their separate interests known. A revolutionary state government was established, for which they asked admission into the Union. The constitution of the United States forbade the division of any State without its own consent, but the Republican leaders in Congress were ready to accept the theory that the provisional government set up in western Virginia, inasmuch as it was loyal to the Union, was the only legitimate government of Virginia, and could itself authorize the division of the State. West Virginia was, accordingly, in due form admitted to the Union,—without too curious an examination of the constitutional law of the case.

The houses were in a radical temper. In March, 1863, the President was authorized to suspend the opera-

STATUE OF FARRAGUT IN MADISON SQUARE. NEW YORK CITY

tion of the writ of *habeas corpus* in cases of persons suspected of disaffection towards the United States; and a Draft Act became law which substituted compulsory for voluntary military service upon a scale which showed a new system and purpose in the prosecution of the war. The operation of the writ of *habeas corpus*[1] had already been frequently suspended. Mr. Lincoln had not hesitated since his first call for volunteers in April, 1861, to proclaim martial law wherever it seemed to him necessary or serviceable to proclaim it. Congress now gave him explicit authority to set aside the rights of individuals wherever it seemed necessary to do so in order to safeguard the Union. The Draft Act[2] meant that Congress realized at last the magnitude and the almost desperate difficulty of the war it had embarked upon. In carrying it into execution the government learned something more of the temper of the people. Intense excitement everywhere accompanied the progress of the conscription. In some places it was forcibly resisted, not so much because of the deep unpopularity of the thing itself as because it seemed to be enforced with gross partisan partiality. Democratic counties, it began in some parts of the country to appear, were much more heavily drawn upon than those whose votes had been cast in the elections for the party in power. The excitement culminated more sharply and ominously in New York than anywhere else; and in the city of New York very serious outbreaks occurred,—savage "draft riots" which were to linger in the recollection many a long year like an ugly nightmare. For four whole days of that memorable summer (July 13–16, 1863) the town was practically at the mercy of mobs which surged in its streets almost at will, and defied the

[1] See page 315.

[2] See page 304.

government to put the obnoxious act into execution. It was executed, none the less, in the end. Inequalities in its enforcement as between locality and locality were corrected, but its essential rigor was not abated.

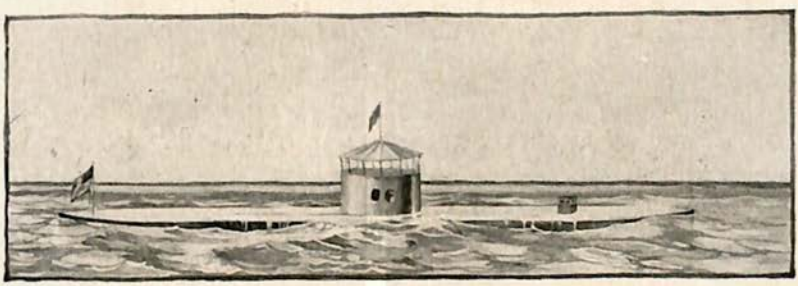
If the war was to be successfully prosecuted, there must be created, as Congress and the President saw, not only vast armies, but also huge fleets to close the southern ports. When Mr. Lincoln proclaimed the southern ports blockaded, in April, 1861, there were but forty-two vessels of war in commission. The southern coasts were full three thousand miles long. So early as August, 1861, Fort Hatteras, in North Carolina, had been taken by a federal force, and early in November Port Royal in South Carolina; Fortress Monroe, within the capes of the Chesapeake, remained in possession of the federal authorities from the first, and federal fleets could lie in Hampton Roads; Key West, in the Florida Keys, and Fort Pickens, by Pensacola, within the Gulf, had not fallen into the hands of the Confederacy; but nowhere else on the long reaches of the interminable coast was there any other harbor of refuge or rendezvous for the scant blockading force, until Fort Pulaski, which guarded the approaches to Savannah, was taken (April, 1862) and Farragut occupied New Orleans, at the spreading mouths of the Mississippi. For a little while the southerners had seemed quicker than the North in putting their power on the sea. Early in 1862 they sent out of Norfolk against the fleet which lay in Hampton Roads an iron-clad ram, improvised out of a sunken frigate, which for a memorable twenty-four hours seemed likely to sweep the whole anchorage of its transports and men-of-war. Only the timely arrival of an armored craft of another pattern out of New York saved the

fleet from annihilation. The confederates had given their ram, the *Virginia*, sides which sloped like a roof, and had cased them in railway iron. The strange

JOHN ERICSSON

craft brought from New York to meet her had been devised by John Ericsson, a Swedish engineer who had sought his fortune in England at twenty-three and come to America at thirty-six (1839); the man who, more than any other, had made the use of the screw

propeller practicable in navigation. The low, flat body of his *Monitor* rose but a foot or two above the level of the water. She carried her battery within an iron martello tower so constructed as to revolve, as if upon a pivot, so that her fire might be delivered in any direction. On the 9th of March the two novel craft made trial of each other, and the *Virginia* was worsted. Her shot made no impression on the turret in which the



THE MONITOR

Monitor carried her guns or on the iron-sheathed deck about it, and the low iron hull of her antagonist afforded no target.

A new age of naval construction began the day of that extraordinary duel. Henceforth, as the world saw, vessels of war must be built and clad with iron upon the principles taught by John Ericsson and the confederate naval constructors at the Norfolk navy yard. But the revolution could not be wrought in a moment. The federal authorities promptly made plans to construct some sixty vessels of the *Monitor* type; but they bought and built craft of every other sort, the while, to make good their investment of the long coast. Before the close of 1861 two hundred and twenty-six vessels were in commission; one hundred

and sixty-three were added in 1862, one hundred and sixty-one in 1863,—over and above all lost, captured, wrecked, or burned: — steamers armored and unarmored, side-wheel and screw; sailing vessels great and small; craft of any kind that could carry guns or be made in any way to serve in the difficult blockade. Confederate privateers and cruisers, fitted out for the most part in foreign ports, stole in and out of the blockaded harbors and ranged the seas with a singular audacity, like the revolutionary craft of the old days of the war for Independence; captured merchantmen almost at will, until the losses they inflicted counted up into the millions; almost swept the sea for a time of all commerce under the federal flag. But one by one they were trapped and taken. Even fleet-footed steamers presently found it impossible to run the blockade of the southern ports. The coast lights were out; the blockading fleets lay with no sign set the night through. The best pilots in the southern waters were likely to throw their craft away by a rush in the dark; and in the daytime it was madness to attempt the passage amidst the crowding men-of-war.

A third year of fighting brought no radical change of fortune in the fields where the armies moved. Still the federal commanders stormed their way southward in the West; still they were beaten and foiled in Virginia. After Fredericksburg, General Hooker had taken Burnside's place in command of the Army of the Potomac; and Hooker in his turn had made a movement upon Richmond. On the second and third days of May, 1863, he tried conclusions with Lee and Jackson at Chancellorsville, and was utterly defeated. But the fighting, though it gave them victory, cost the confederates the

BATTLE OF FREDERICKSBURG. VOLUNTEERS CROSSING THE RIVER

life of Stonewall Jackson. He was shot, by tragical mistake, by his own pickets, as he returned from a reconnaissance. The loss was as irreparable as the loss of Albert Sidney Johnston at Shiloh church. They could have spared an army better than either of these men of genius.

Following up his advantage, Lee moved forward into Pennsylvania, upon the aggressive; met Meade at Gettysburg; and was repulsed, with heavy loss. He threw his men across long open spaces against the federal troops strongly posted and intrenched. For three days, the first three days of July, he beat doggedly upon them. The second day he drove their lines partly in and took a part of their position; but the third day the lost ground was recovered and he was driven back, his army almost decimated, to seek his base again in Virginia. Had he succeeded, no man can say what radical sweep of reaction there might have been at the North, in the face of his successful invasion, or what decisive advantage he might have won. But he failed; and the tide of war seemed to all the nation to turn.

Almost on that very day, moreover, Vicksburg yielded to the siege of General Grant. The defence of the place had been stubborn, prolonged, heroic, almost successful. Every plan of direct attack had failed. General Grant found it necessary to sweep round about the town upon every side, clear the country back of it of troops and all means of succor, and take Jackson, the capital of the State, forty miles away, in order to command all approaches. He sat down at last in patient siege, and forced the garrison of the place to surrender to him, half starved, on the 4th of July. On the 9th Port Hudson, below, yielded to the same necessity and was

surrendered to General Banks. The Confederacy was broken in half. Louisiana and Texas were cut off. Throughout its entire length the Mississippi was in the hands of the federal power.

Grant turned from his hard-earned success at Vicksburg to take charge of the federal army shut up in Chattanooga. Upon the evacuation of Corinth, Mississippi, in May of the preceding year, General Braxton Bragg had taken thirty-five thousand confederate troops east to Chattanooga, and had struck northward thence into Kentucky. But General Buell had met him in a decisive action at Perryville, October 8, 1862, and had compelled him to retire again to his base. General Van Dorn, meanwhile, had sought to take Corinth again, and had given General Rosecrans two days of desperate fighting to prevent it (October 3–4, 1862). Finding it impossible to extend their operations, the confederate commanders drew back upon the central strongholds of Tennessee and Georgia. Just as the year 1862 passed away and the year 1863 came in (December 31st to January 2d) Rosecrans and Bragg grappled three days' desperate fighting around Murfreesboro. Bragg attacked with a spirit, dash, and stubborn ardor which no troops but troops of the same race with his own could have withstood; but Rosecrans' men held their ground, or, having lost it, regained it, and Bragg withdrew. The new year saw him forced back step by step, the summer through, by the successful movements of the federal forces at his front, until autumn came and even Chattanooga had to be abandoned. Then (September 19 and 20, 1863) he made final stand against Rosecrans at Chickamauga and inflicted upon him a defeat which nothing but the extraordinary cool-

By the President of the United States of America:

A Proclamation.

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

> "That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.
>
> "That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States, and the fact that any State, or the people thereof, shall on that day be, in good faith, represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States."

Now, therefore I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days, from the day first above mentioned, order and designate

FACSIMILE OF THE FINAL EMANCIPATION PROCLAMATION OF JAN. 1, 1863

as the States and parts of States wherein the peoples the-
of respectively, are this day in rebellion against the Unit-
ted States, the following, to-wit:

Arkansas, Texas, Louisiana, (except the Parishes of
St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James
Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin,
and Orleans, including the city of New Orleans) Mississippi,
Alabama, Florida, Georgia, South-Carolina, North-Carolina,
and Virginia, (except the forty-eight counties designated
as West Virginia, and also the counties of Berkley, Acco-
mac, Northampton, Elizabeth-City, York, Princess Anne,
and Norfolk, including the cities of Norfolk & Portsmouth;) and which except-
ed parts are, for the present, left precisely as if this pro-
clamation were not issued.

And by virtue of the power, and for the purpose of
aforesaid, I do order and declare that all persons held
as slaves within said designated States, and parts of
States, are, and hencefoward shall be free; and that
the Executive government of the United States, includ-
ding the Military and Naval authorities thereof, will
recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations and other places, and to man vessels of all sorts in said services.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed:

Done at the city of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty three, and of the

L.S.

Independence of the United States of America the eighty-seventh.

Abraham Lincoln

By the President;
William H. Seward,
Secretary of State

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LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

ness and firmness of General Thomas, who commanded the left federal wing, prevented from becoming the most overwhelming federal disaster of the war.

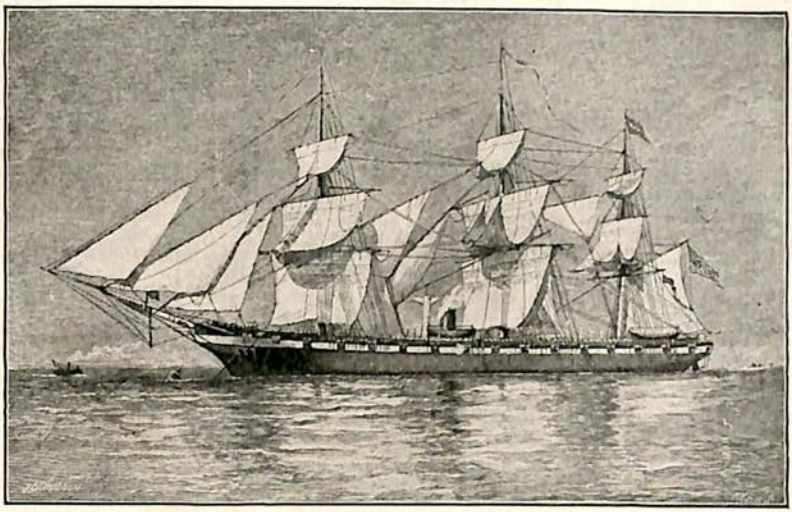
Bragg advanced, shut Rosecrans up in Chattanooga, and drew his force about the place to take it. General Grant came from Vicksburg to save it. The town lay with a sweeping amphitheatre of hills about it. Upon these coigns of vantage General Bragg had disposed his army: at the one end of the long semicircle abrupt Lookout Mountain, at the other steep Missionary Ridge, both alike, it might well seem, impossible of assault. Grant attempted and took them, nevertheless (November 24th and 25th). Sherman was sent to take Missionary Ridge, Hooker to take Lookout Mountain: the four greatest commanders of the northern armies directed the battle or moved upon the field,—Grant, Thomas, Sherman, Sheridan. Their men circled and climbed the steep ridges of the hills in a drifting fog; regiments of volunteers threw themselves with splendid recklessness upon the centre of Bragg's position, to hold him off from concentrating his force against Sherman on his left, and, before they could be stopped, took the heights where his guns were. The siege was raised; the confederate army fell back on Dalton. Grant had attacked when Bragg was weakened by the absence of a part of his force sent under Longstreet to meet Burnside in eastern Tennessee. Missionary Ridge and Lookout Mountain being lost, and Bragg dislodged, Longstreet did not return, but crossed the mountains and joined Lee in Virginia.

Then came the winter's pause of arms. No man who looked about him could fail to see that, despite Lee's victorious movement in the East against the

Army of the Potomac, the whole aspect of the war had changed. A girdle of arms had been drawn about the South, and her means alike of aggression and of defence were being slowly choked within her. On the one side of her were armies which grew with every campaign, while her own diminished; on the other, increasing fleets which closed every port from Hampton Roads to Galveston. Though it had taken two years to build and muster ships enough to make the blockade a thing of fact, it was now at last a stern reality. The South knew herself face to face with bankruptcy. Her exports were her only source of wealth; only her cotton could command the money of the world; and her cotton was locked useless within her ports. With closed ports she was ruined. A successful blockade runner here and there could bring no compensation for her throttled trade.

Her levies, too, drew, not upon an increasing, but upon a diminishing population. The confederate government resorted to draft acts, as the government at Washington did, when volunteers lagged or were not to be had; but it had no such population to draw upon. There were but five and a half million white people in all the seceded States when the war came; in the North twenty-two millions. As the southern armies grew, business offices, courts, counting houses, plantations were emptied, and only women and boys were left to direct the work which was to sustain the government and feed the armies. The federal government, knowing its advantage, refused to exchange prisoners; and for every man lost or taken the South had to find another from its thinning ranks for the fighting line.

It was a singular and noteworthy thing, the while,



THE HARTFORD, FARRAGUT'S FLAG-SHIP

how little the quiet labor of the negroes was disturbed by the troubles of the time and the absence of their masters. No rumor of the emancipation proclamation seemed to reach the southern country-sides. No sign of the revolution that was at hand showed itself upon the surface of southern life. Gentlewomen presided still with unquestioned authority upon the secluded plantations,—their husbands, brothers, sons, men and youths alike, gone to the front. Great gangs of cheery negroes worked in the fields, planted and reaped and garnered and did their lonely mistresses' bidding in all things without restlessness, with quiet industry, with show of faithful affection even. No distemper touched them; no breath of violence or revolt stirred amongst them. There was, it seemed, no wrong they fretted under or wished to see righted. The smiling fields not yet trodden by the feet of armies still produced their

golden harvests of grain under the hands of the willing slaves, and the armies were fed.

But the quiet tillage of her fields was all that remained of the old life of the South. Her trade was dead for lack of markets; her business offices were empty; the flower of her population was drawn into her armies; her resources were sapped and could not be renewed. The North, on the contrary, increased in wealth and population alike the long struggle through, despite the hundreds of millions poured out in money and the hundreds of thousands of men sent to the slaughter of the field of battle. In the South there was presently nothing to tax, and the confederate government was at its wits' ends where to get money. In the North taxes yielded whatever Congress demanded. New direct taxes were imposed; still heavier duties were laid on imports; and, though many grumbled, all paid, and most were abundantly able to pay; for trade and industry were not checked.

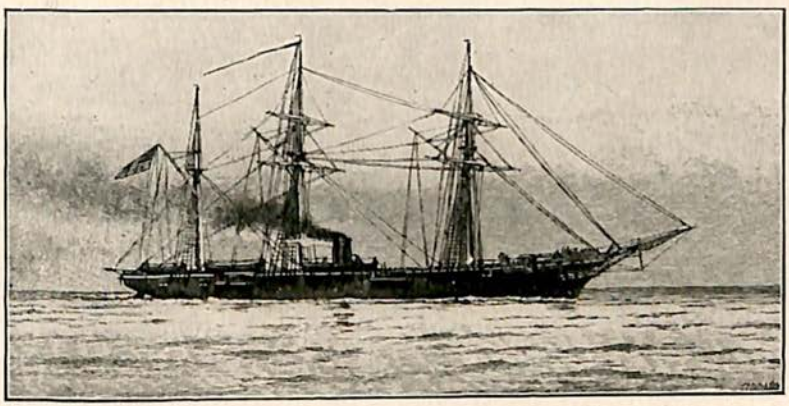
Congress even succeeded at last in devising a banking system which should relieve the strain upon the Treasury and at the same time serve the business interests of the country,—a system which solved the difficulties which had stood unsolved ever since General Jackson destroyed the Bank of the United States and Mr. Van Buren set up the Independent Treasury. Twenty-five years before, New York had erected, in its "free banking" act of 1838, the model for the system which the federal government now tardily adopted. By that act New York had abandoned the old and vicious practice of granting special charters to individual banking companies, and had thrown banking privileges open to any group of responsible persons who would comply

with the requirements set forth in the new law. Chief among these requirements was the deposit of recognized securities with the state government by every bank of issue to the full value of its circulating notes, in order that their payment might in any case be made good. In an Act of February 25, 1863, Congress made provision for a similar system of national banks; and by an Act of June 4, 1864, perfected the system and put the new law on a permanent footing by a thorough revision.[1] The Act created a new bureau of the Treasury, under a Comptroller of the Currency, to superintend and secure the enforcement of its provisions. The Comptroller was authorized to permit the free establishment, for a term of not more than twenty years, of banking associations consisting of not fewer than five persons and having a capital of not less than one hundred thousand dollars; and in small places associations having even a smaller capital. Such associations were required to deposit with the Treasury Department bonds of the United States of the value of at least one-third of their capital; in return for which there should be issued to them from the Treasury circulating notes representing an amount equal to ninety *per cent.* of the market value of their bonds, but never exceeding ninety *per cent.* of their par value. The total issue of currency to be made under the Act was limited to three hundred millions; and that amount, it was provided, should be apportioned among the States in proportion to their population and banking capital. The immediate object of the Act as a government measure was to create a market for the bonds of the United States and quicken the processes of borrowing upon which the government was in large part obliged to depend for the support of

[1] See page 326.

the war. It served the convenience of the country, however, hardly less than it helped the government; and what was primarily intended as a measure of public finance became the prop of private business. An Act of the following year (March 3, 1865) put a tax of ten *per cent.* on the circulation of all state banks, and forced them, if they would continue banks of issue, to qualify under the federal law.

The fourth year of fighting was the last. The crush-



UNITED STATES SLOOP OF WAR KEARSARGE

ing weight of the North told more and more; and the South tottered to collapse. By the spring of 1864 the federal armies were ready for their final movements, the confederate armies freshened, recruited, posted as best they might be for their last stand and defence. The final reallotments of federal commanders had been made. General Grant had become commander-in-chief and had taken personal command of the Army of the Potomac against Lee. General Sherman, upon whom Grant had learned to depend at Vicksburg and Chattanooga, was in command in the West. In May, Grant,

with Meade, moved forward from the Potomac into the broad "Wilderness" of wood and thick undergrowth that stretched south of Fredericksburg and the Rappahannock to the York River, forcing Lee to make a slow retreat before him. The retreat was slow indeed. Lee operated upon shorter lines than his enemy, and behind intrenchments. He had scarcely seventy thousand men, and knew not where to get more; Grant had one hundred and twenty thousand, and could have as many more as he needed. By the first of November Grant had lost eighty thousand,—more than Lee had had to face him with at the outset; but his ranks were still full. Lee outplayed him in the great game of war, but could not stand before the ceaseless movement of his accumulating force. For sixteen days of almost continuous fighting he held Grant in hand, his slow withdrawal southward like the manœuvres of a long battle rather than like a retreat; and at the end, when he found a place to his mind, at Cold Harbor, on the 2d of June, made stand and repulsed the federal attack along his entire front.

But he was too heavily outnumbered. General Grant was not like the other men who had commanded the Army of the Potomac. No defeat stopped him or so much as gave breathing time. He filled his ranks and moved forward, whether in the face of victory or in the face of defeat, determined "to hammer continuously until by mere attrition," if in no other way, the stubborn army at his front should be worn to a weakness that must bring him his triumph. It became a mere question of who could stand the heaviest losses. Six thousand Union soldiers had fallen at Cold Harbor in a single hour; but their places were not long vacant.

WILLIAM TECUMSEH SHERMAN

Flank movements, now upon this hand now upon that, rendered each position of Lee's army in turn untenable; and he was obliged at last to concentrate upon Petersburg and Richmond. There direct attack availed the federal commanders little. They were forced to sit down about Petersburg in a nine months' formal siege.

Meanwhile General Sherman had driven Johnston in like fashion, with like difficulty and stubborn fighting, back through northern Georgia upon Atlanta; and would have had infinite slow labor to the last had not Mr. Davis, displeased that Johnston did not beat the overwhelming army at his front, removed him from the confederate command,—the one man available who could make inferior numbers formidable against such an opponent,—and so made the task of the invading army easy. Johnston out of his way, Sherman cut Atlanta's communications to the southward, forced the evacuation of the place without serious difficulty, and, leaving Johnston's successor, General Hood, to face Thomas at the north, whither he was forced to turn, himself pushed on to the cities of the coast. At Franklin, Tennessee, November 30th, Hood threw himself, in his impetuous fashion, on Thomas's advance force of eighteen thousand men, and was checked. At Nashville, on the 15th of December, Thomas himself attacked, and so utterly routed him that his army was never again brought together as an effective force. Sherman, confident that Thomas could take care of Hood at his rear, moved steadily on to Savannah and took it (December).[1] Before he left Savannah, Wilmington, North Carolina, and the formidable batteries at Fort Fisher had been taken by naval and military forces co-operating on the coast; and when he left Savannah

[1] See page 336.

and advanced into Carolina his movement forced the evacuation of Charleston. Mobile had been taken by Farragut and land forces operating with him early in August. Not a port of consequence remained to the Confederacy; and the very fields that had fed the southern people were swept bare. Sherman's men had left little enough in their track. They had devoted themselves to destruction and the stripping of the land they crossed with a thoroughness and a care for details hardly to be matched in the annals of modern warfare. The old heats of civil war, dreaded since the world began, had been blown very hot as year was added to year in the bitter struggle, and each soldier played the marauder very heartily. What the South had not spent or war consumed he stripped her of as he could. What he did not need or want he destroyed.

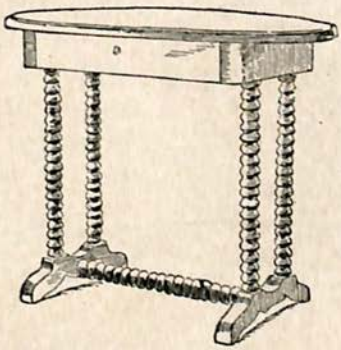
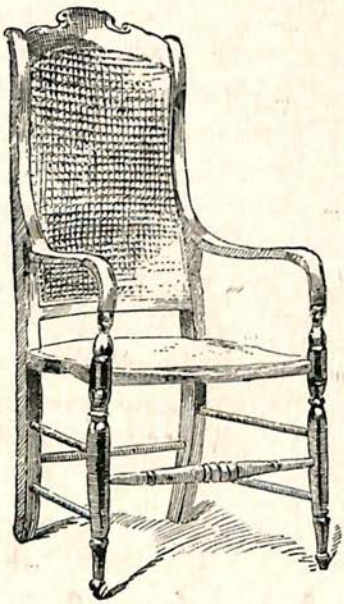


TABLE USED AT THE SURRENDER AT APPOMATTOX COURT HOUSE

By spring, as Sherman swept slowly northward through the Carolinas for a final junction with Grant in Virginia, the inevitable had been accepted, and the war was over. Lee had not had the strength to prevent the federal lines from being drawn completely around him. By the first days of April he had found Richmond untenable and had withdrawn towards Danville, hoping to effect a junction with Johnston, now once more in command of the decimated force that was facing Sherman coming north; but everywhere he was cut off, entangled, outnumbered; and on April 9th he sur-

rendered to General Grant at Appomattox Court House.[1] On the 26th Johnston surrendered to Sherman; and the end had come. The most honorable terms were granted. Both men and officers were to be released on parole. They were to keep their horses, "because they would need them for the spring ploughing and farm work," General Grant said, in his simple fashion. The horses were not the property of the confederate government, the federal commander was surprised and touched to learn, but of the men who rode them, — like almost everything else they had or used. The final arrangements were made almost as if by a conference between friends, both commanders quieted and solemnized by thoughts of the great matter they were bringing to a close. Another course had been pressed upon General Lee, by some of his own officers, and even suggested by the President of the Confederacy. It had been proposed that he should disperse his army, to gather it again in small fighting squads at every point of vantage and make the conquest of the South impossible through the quick and ceaseless operations of guerrilla bands moving broadcast over the whole face of the various country. But he had refused with a sort of solemn anger. "You must remember we are a Chris-



CHAIR USED AT THE SURRENDER AT APPOMATTOX COURT HOUSE

[1] See page 361.

tian people," he said. "For us, as a Christian people, there is now but one course to pursue. We must accept the situation; these men must go home and plant a crop; and we must proceed to build up our country on a new basis." The way of duty was plain to him.

And then, at the end, when the terrible days were over and a healing time of peace at hand in which passion might run cool again and men remember their common ties of citizenship and fraternity, a deeply tragical thing happened, as if to fill the cup of sectional bitterness to the brim and mark forever the fatal distemper of civil strife. On the evening of the 14th of April, 1865, five days after General Lee's surrender at Appomattox, ere Johnston had yielded to Sherman, Mr. Lincoln was shot in his box at Ford's Theatre in Washington, and the next day lay dead. The assassin had been John Wilkes Booth, the distinguished actor, half crazed by blind enthusiasm and poignant regret for the lost southern cause.

Mr. Lincoln had but a short month before entered upon his second term as President. The election had been held while General Grant was drawing his lines closer and closer about Petersburg and Richmond, while Sherman was sweeping southward from Atlanta to the coast of Georgia, while the struggle culminated which the last election had brought on. Passion had stirred in it as in the contest of arms itself,—not the ordinary ardor of parties arrayed against one another by sharp differences of principle, but the deeply excited passion which days of revolution and supreme crisis must always breed. The war had not run its extraordinary course without touching the very government itself with revolution. The constitution had been framed

with no thought to provide for such days as these, when States were breaking away from the Union and the government was struggling for life itself; and with the unlooked for exigency had come unlooked for and ar-

JOHN WILKES BOOTH

bitrary acts of power. The whole authority of the nation had seemed of a sudden to be concentrated in the Executive, without restraint of law. Citizens suspected of sympathy with the southern Confederacy had been arrested and thrown into prison, deported even, upon orders which were no better than *lettres de*

cachet. Many an undoubted principle of the constitution had seemed as if for the time suspended, in order that the executive and military power might move supreme, to meet a supreme necessity. Mr. Lincoln had acted oftentimes with the authority almost of a dictator, and had permitted his Secretaries, particularly the Secretary of War, a license of power greater even than he would himself have used. Individual rights had seemed for a time suspended.

The men who knew the President and were near him saw no permanent danger in all this, for they knew the singular nature of the man, detected not a movement of personal ambition in his exercise of power, felt with what kindliness of judgment and with what sober motives of public service he acted, and looked confidently to see all things restored as of course to their old poise and balance when the storm of war had passed. But men who were not near him could not so see him. Even politicians of his own party thought him unsafe. Many plain people everywhere thought him more,—thought him capable of hopelessly marring the government and permanently weakening the foundations of individual liberty in the very act of saving the Union from overthrow. Fortunately rank and file had caught the spirit of the war, and the spirit of the man. Moreover, in his own homely phrase, it was no time, as every thoughtful man perceived, to risk swapping horses in the midst of the stream; and he received the electoral votes of every State that took part in the election except New Jersey, Delaware, and Kentucky.

There had seemed for a brief while, nevertheless, not a little danger of his defeat, and he had been nominated for his second term by a convention not gathered from

the Republican ranks merely but made up to represent all men, of whatever party allegiance hitherto, who deemed him the nation's indispensable instrument and servant at that time of crisis. As a consequence of the composite make-up of the convention, Mr. Andrew Johnson, a Union man but a Democrat, of Tennessee, had been nominated for the Vice Presidency, as if to mark and emphasize the co-operation of groups and sections which the time had called forth. Mr. Lincoln's death made Mr. Johnson President. The first tasks of peace were to be hardly less difficult and perplexing than the tasks of war had been, and the party which had triumphed was left without executive leadership at their very threshold.

The chief *general authorities* for the years covered by this chapter are the fifth and sixth volumes of Schouler; the fourth volume of Bryant and Gay; Alexander Johnston's *History of American Politics* and articles in Lalor's *Cyclopaedia of Political Science, Political Economy, and United States History*, especially the articles *Secession, Dred Scott Case, Rebellion*, and *Confederate States;* Larned's *History for Ready Reference;* the second, third, and fourth volumes of James Ford Rhodes's *History of the United States from the Compromise of 1850;* the sixth and seventh volumes of von Holst's *Constitutional and Political History of the United States;* and Nicolay and Hay's *Abraham Lincoln: A History.*

Among *special treatises*, dealing with particular interests or aspects of the war and its policies, the following are important and representative of a vast number of books: Horace Greeley's *American Conflict;* Henry Wilson's *Rise and Fall of the Slave Power in America;* Edward A. Pollard's *Lost Cause;* Joseph Hodgson's *Cradle of the Confederacy;* Edward McPherson's *Political History of the Rebellion;* Frederick Law Olmsted's *Cotton Kingdom;* Jesse Macy's *Political Parties in the United States, 1846–1861;* William H. Seward's *Diplomatic History of the Civil War;* James M. Callahan's *The Diplomatic History of the Southern Confederacy;* John C. Ropes's *Story of the Civil War;* William A. Dunning's *Essays on the Civil War and Reconstruction;* James Spence's *The American Union;* H. C. Fletcher's *History of the*

American War; George Lunt's *Origin of the Late War;* Frederic Bancroft's *The Final Efforts at Compromise* in the sixth volume of the *Political Science Quarterly;* J. D. B. DeBow's *Industrial Resources of the Southern and Western States;* T. S. Goodwin's *Natural History of Secession;* Joel Parker's *Personal Liberty Laws;* Marion G. McDougall's *Fugitive Slaves;* Leverett W. Spring's *Kansas* and Nathaniel S. Shaler's *Kentucky* in the *American Commonwealth Series;* F. W. Taussig's *Tariff History of the United States;* and A. S. Bolles's *Financial History of the United States.*

Among the important *biographies,* whether for weight of narrative or for side aspects of the great struggle, are George Ticknor Curtis's *Life of James Buchanan;* John T. Morse's *Abraham Lincoln* in the *American Statesmen Series;* Henry J. Raymond's *Life of Lincoln;* F. W. Seward's *Seward at Washington;* Edward L. Pierce's *Memoir and Letters of Charles Sumner;* Lyon G. Tyler's *Letters and Times of the Tylers;* Pleasant A. Stovall's *Life of Robert Toombs;* Charles Francis Adams, Jr.'s *Charles Francis Adams* in the *American Statesmen Series;* William P. Trent's *Life of W. G. Simms;* A. M. Williams's *Sam Houston and the War of Independence in Texas;* Susan D. Smedes's *Memorials of a Southern Planter;* Alfred T. Mahan's *David Farragut;* Henry A. White's *Robert E. Lee and the Southern Confederacy;* Robert M. Hughes's *General Johnston;* Frederic Bancroft's *Life of William H. Seward;* and Albert Bushnell Hart's *Salmon P. Chase* in the *American Statesmen Series.*

The *military history* of the war and the *discussion of slavery* which necessarily went along with it may be found set forth in Theodore A. Dodge's *Bird's-Eye View of Our Civil War;* Comte de Paris's *Military History of the Civil War in America;* John W. Draper's *History of the Civil War;* The Century Company's *Battles and Leaders of the Civil War;* Heros von Borcke's *Memoirs of the Confederate War for Independence;* Lieutenant Colonel G. F. R. Henderson's *Stonewall Jackson and the American Civil War;* Mary Tremain's *Slavery in the District of Columbia,* in the *Publications* of the Historical Seminary of the University of Nebraska; Richard Hildreth's *Despotism in America;* Samuel Seabury's *American Slavery Justified;* Robert L. Dabney's *Defence of Virginia and the South;* Thomas R. R. Cobb's *Inquiry into the Law of Slavery;* H. Sherman's *Slavery in the United States;* William H. Chambers's *American Slavery;* Daniel R. Goodwin's *Southern Slavery in its Present Aspects;* John Henry Hopkins's *Views of Slavery;* James Williams's *The South Vindicated;* A. T. Bledsoe's *Is Davis a Traitor?* John C. Hurd's *Law of Freedom and Bondage* and *Theory of Our National Existence;* and P. C. Centz's *Republic of Republics.*

Some of the *sources* for the period may be found in *The Congressional Globe,* the official documents of the government, notably the *Official Records of the Rebellion;* the contemporary newspapers; *Appleton's Annual Cyclopaedia,* especially under the titles *Congress of the United States, Congress, Confederate, Confederate States, United States, Army,* and *Navy;* Horace Greeley's *History of the Great Rebellion;* Alexander H. Stephens's *Constitutional View of the War Between the States;* O. H. Brownson's *American Republic;* Thurlow Weed's *Autobiography;* G. T. Curtis's *Correspondence of John Lothrop Motley;* Hugh McCullough's *Men and Measures of Half a Century;* John Sherman's *Recollections of Forty Years in House, Senate, and Cabinet; The Sherman Letters;* Ben. Perley Poore's *Perley's Reminiscences;* Henry A. Wise's *Seven Decades of the Union;* S. S. Cox's *Three Decades of Federal Legislation;* J. H. Gilmer's *Southern Politics;* William H. Seward's *Autobiography;* James Buchanan's *Buchanan's Administration;* Frederick Law Olmsted's *Journey in the Seaboard Slave States, Texas Journey,* and *Back Country;* Hinton R. Helper's *The Impending Crisis;* Mrs. Coleman Chapman's *Life of John J. Crittenden;* E. D. Keyes's *Fifty Years' Observation of Men and Events;* L. E. Chittenden's *Reports and Debates of the Conference Convention;* the third volume of Alexander Johnston's *Representative American Orations;* George Cary Eggleston's *A Rebel's Recollections;* Reuben Davis's *Recollections of Mississippi and Mississippians;* Jones's *A Rebel War Clerk's Diary;* Ulysses S. Grant's *Personal Memoirs;* William T. Sherman's *Memoirs;* A. G. Riddle's *Recollections of War Time;* Dabney H. Maury's *Recollections of a Virginian in the Mexican, Indian, and Civil Wars;* Judith W. McGuire's *Diary of a Southern Refugee During the War;* Herndon's *Life of Lincoln;* L. E. Chittenden's *Recollections of Lincoln and His Administration;* James S. Pike's *First Blows of the Civil War;* A. T. Porter's *Led On Step by Step;* Jefferson Davis's *Rise and Fall of the Confederate Government;* Nehemiah Adams's *South Side View of Slavery;* William Harper's *The Pro-Slavery Argument;* the *Papers* of the Southern Historical Society; James Stuart's *Three Years in North America;* Frederick Douglass's *Life and Times, Written by Himself;* Solomon Northrop's *Twelve Years a Slave;* the case of *Dred Scott vs. Sanford,* reported in the 19th volume of Howard's Reports; and the case of *Texas vs. White,* the leading decision of the Supreme Court with regard to the right of secession, reported in 7th Wallace's Reports.

CHAPTER II

THE CONFEDERATE STATES

THE nation, shaken by those four never to be forgotten years of awful war, could not return to the thoughts or to the life that had gone before them. An old age had passed away, a new age had come in, with the sweep of that stupendous storm. Everything was touched with the change it had wrought. Nothing could be again as it had been. The national consciousness, disguised, uncertain, latent until that day of sudden rally and call to arms, had been cried wide awake by the voices of battle, and acted like a passion now in the conduct of affairs. All things took their hue and subtle transformation from it: the motives of politics, the whole theory of political action, the character of the government, the sentiment of duty, the very ethics of private conduct were altered as no half century of slow peace could have altered them.

The sheer cost, the unspeakable sacrifices of the desperate struggle, made ineffaceable record of themselves in the thoughts and purposes of people and politicians alike. What had been spent to fight the fight out passed calculation. It had cost the country more than seven hundred men for every day of all the four long years of campaign and battle: four hundred killed or mortally wounded on the field, the rest dead of disease.

THE WHITE HOUSE OF THE CONFEDERACY, RICHMOND

exposure, accident, or the slow pains of imprisonment. The federal government had spent thirty-four hundred million dollars upon the war,—nearly two and a half millions for every day it had lasted; and less than eight hundred millions of that vast sum had come into its coffers from the taxes. More than twenty-six hundred millions had been added to the national debt. The Confederacy had piled up a debt, upon its part, of nearly fourteen hundred millions, and had spent, besides, no man could say how much; for the scant yield of the taxes had been supplemented by direct requisitions on the farmers for the food supplies of the armies; States had undertaken, so far as they could, to support their own volunteers in the field; private purses had been

opened to pay for the equipment of sons and brothers sent to the front, — every public and every private source had been drained.

In the North four men out of every nine of the military population had been enlisted for a service of three years in the field: in all 1,700,000 out of a military population of 4,600,000. Of these three hundred and sixty thousand had lost their lives; one hundred and ten thousand by the actual casualties of the field. But the sacrifices of the South had been greater yet,—immeasurably greater. The North had spent out of its abundance; the South had spent all that it had, and was stripped naked of its resources. While the war lasted it had been stripped naked also of its men. Nine men out of every ten of fighting age had gone from country-sides and towns to the field, reckoning only those who enlisted for at least three out of the four years of the struggle. Before the war ended mere half grown boys and men grown old were included in the muster. The total military population of the South was but 1,065,000. Nine hundred thousand of these she drew into her armies for at least three years of service. The lives of close upon three hundred thousand she gave as her sacrifice of blood,—more than one-fourth of all fit for the field. Ninety-four thousand lost their lives in actual battle. South Carolina lost one-fourth of her military population by the casualties of the field. The armed hosts and power of the North increased as the strength and resources of the South diminished. In 1861 the South had had 98,000 men in the field, the North 187,000; in March, 1865, though their levies had risen at the culmination of their effort but a little more than a year before to 471,000, the southern commanders had only

175,000 men to surrender to armies which aggregated 980,000 against them. The muster of federal forces increased even while the last scenes of war were being enacted and its tasks drawn to a close. When the surrender of the southern armies came they had grown by more than ten thousand, and there were 1,000,516 men awaiting their final discharge.

They were rapidly disbanded: sent home, when once peace was assured, at the rate of three hundred thousand a month. Only fifty thousand men were retained as a standing force. They turned to the duties of peace again and were absorbed into the mass of men whence they had come as quietly as if even civil war were but an episode in the long story of the national life. The common tasks of the communities to which they returned had gone forward, uninterrupted, without them; they returned merely to fill in the vacant places again and make complete once more the industries of their homes. The southerners, on the contrary, paroled at their surrender, and humanely bidden keep their horses for the spring ploughing, turned back to fields swept bare and desolate, villages whose life had first languished and then stood still, towns without trade or industry, where everything waited to be planned and begun anew, as if there had been no past to place foot upon. Their country had indeed, as General Lee said, to be "built up on a new basis." They carried back to it no smallest part of what the ravages and untold costs of war had stripped away. Their lives were divested of everything that belonged to the age gone by save only their thoughts: thoughts of irreparable loss, of principles long revered but now discredited, of a social order cut up by the roots, of a life thrust away to be henceforth a mere bitter mem-

ory, of a future of new effort to be faced with all the pains of utter disaster thick upon them.

Travellers from over sea had said that to cross the line between North and South was like passing from

Jefferson Davis

JEFFERSON DAVIS

one century to another. In the one section they found an almost antique order of life, changed scarcely at all from that which settlers out of the elder England of the Stuarts and the Prince of Orange had established in Virginia and the Carolinas; in the other, all that belonged to the modern world,—communities quick with

the movements of a various commerce, busy with mining, manufactures, the construction of railways, the diversification of industry. The South kept still the social order and the social and political ideals of an elder generation. Slavery gave it a touch half mediæval, half oriental. There was something of the patriarchal way of life in the broad country-sides where masters of fields and flocks and herds went in and out upon their errands of superintendence among groups of dusky slaves; something, too, that recalled the mediæval lord and his serfs. And yet there was the air of the nineteenth century, too, the touch of democracy, in the plain and wholesome simplicity of the planters' lives, and their frank comradeship with all their neighbors who were of their own privilege of citizenship. The commerce of the modern world passed in and out at the southern ports as at those of the North. Southern merchants felt the spirit of the times in all their enterprises; railways brought the products of every land and region to their shops and warehouses; the impulses of the world and of its changing thought stirred there as elsewhere. What held the South back in the way of the older centuries was its unaltered, its unalterable social order, which belonged to the age in which the constitution had been devised, not to that in which its whole spirit and operation had been subtly changed by the pervasive processes of national growth.

When they conceived that the time had come to put their right of withdrawal from the Union into practice, the southern statesmen showed at once, with a manifest naturalness and sincerity, what generation they were of. They acted, with an all but unconscious instinct, upon the principles of 1788. They conceived the unmaking

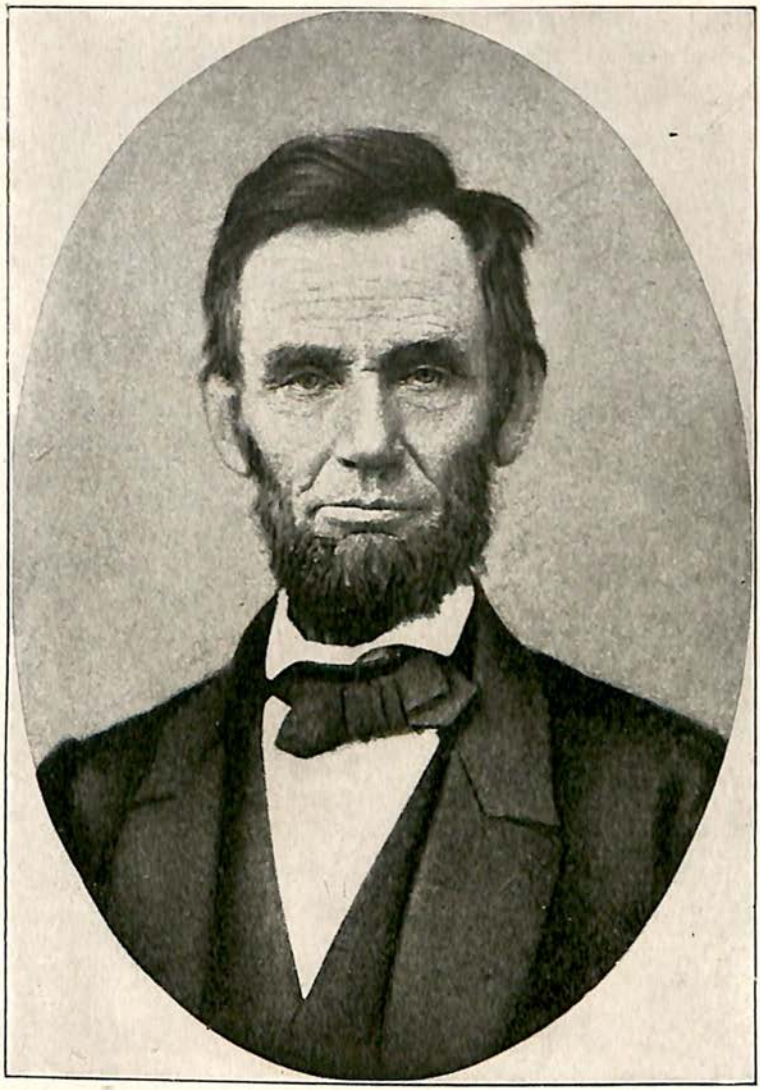
of the constitution to be, not an act of revolution or of lawless change, but a simple, though it were solemn, legal transaction, like the formal abrogation of a great treaty, to be effected by the same means by which it had originally been adopted. South Carolina, who led in the fateful business, adjourned her legislature and called a constitutional convention together: a body like that which had declared her assent to the constitution in the far year 1788. By formal ordinance of that convention the ordinance of the convention of 1788 was repealed, and the connection of the State with the Union authoritatively severed. That was her act of "secession," taken in the highest sovereign fashion known to her law and tradition. As in 1788, so now there was no submission of the action of the convention to the vote of the people for ratification. A representative convention was as sovereign in South Carolina in 1860 as in 1788. The other States followed her example as of course. Their theory of constitutional right and practice was identical with hers. Each State in its turn called a convention, as in the old days of the formation of the Union, and committed to it as of course the sovereign determination of the political connections of the commonwealth. Each convention in turn repealed the ordinance of the convention which had stood in its place seventy years before.

And then, because the old process was being reversed and a government not made but set aside, the same conventions went on to take up the task of reconstruction, that another government, more to their liking, might be set up in the place of the familiar one now rejected. They chose delegates to meet at Montgomery and frame a constitution under which a government should be

established for the seceded States about to be combined in a new confederacy. When the work of the Montgomery convention was finished, they ratified and accepted it, without resort to the people or renewal of their authority. It was a critical time. Those who directed the unprecedented business were subtly aware, for all their stout theory of legal right, that the touch

MONTGOMERY, ALABAMA, IN 1862

of revolution was upon all that they did. The work was therefore hurried forward. Hot feeling was astir. Rumors of force to be used, of armed resistance by the North, were in the air. It was imperative that the new group of States should be ready as soon as possible with a common organization through which they could act effectively and to a common purpose. The convention at Montgomery, therefore, at once chose officers for the new government as well as a constitution, and



Abraham Lincoln.

ABRAHAM LINCOLN

gave it an immediate temporary organization; and the sovereign conventions of the several States unhesitatingly ratified all that it did. Not until the year was out which had been fixed as the term of the provisional government was the direct action of the people asked for, except in Texas, which came to its resolution of secession while the new confederate government was in process of formation, and Virginia, which waited until it had been formed. In each of those States the ordinance of secession was submitted to the vote of the people and ratified by them. Even when the term of the provisional government had expired the voters of the new Confederacy were asked, not to ratify the constitutional arrangements upon which it had been founded, but only the choice of officers which the convention had made. They chose electors and members of Congress, merely, and affairs went on as they had been planned.

There was here no distrust of the people. No one doubted the legal validity of what had been done or deemed the method revolutionary or undemocratic. Nowhere else was there such homogeneity of opinion as in the South, nowhere else so habitual an acquiescence in conservative and established ways of action. It was not, however, a habit rooted in lethargy or indifference. Nowhere else in the world, perhaps, was there a more alert political population, a rank and file more keenly alive to points of political doctrine and practice. Politics were everywhere the favorite theme of conversation. Many a white man of the poorer class could read as little as any slave; but he heard his leaders so often upon every question of moment, whether of domestic or of foreign policy, at court, on market days,

at neighborhood rallies for political discussion or religious exercise, at public barbecue and festival, that news came to him without newspapers and the principles of politics without books. Every matter of large significance or small he heard debated by the best informed men of the country-side. They gave him, first or last, no small part of what they had learned by travel, by reading, by service in the public councils. Through them he knew the characters and the motives of public men, the gossip as well as the controversies of politics, the happenings and the humors of the wide world. With such things to talk about around the fireside and at the cross-roads shop, upon his long rides from plantation to plantation and with his cronies upon every casual meeting, he had more than books could have given him.

Southern speakers felt as much put upon their mettle before audiences gathered at their neighborhood hustings in the midst of a season of controversy as before any audience gathered in the capitol at Washington. Southern voters were not likely to be made dupes of. They had elected the men who sat in the sovereign conventions which cut their connection with the Union with a full knowledge of the business they were to meet upon, and did not doubt that the conclusions of those bodies were their own authentic acts. Political method was not in dispute among them. They accounted themselves disciples of Mr. Calhoun in respect of constitutional right and the legal remedy for abuses in the conduct of the federal government. What he had taught them was in their minds the commonplace and matter of course foundation of political theory. They did not doubt that they had the right to secede, or that sovereign

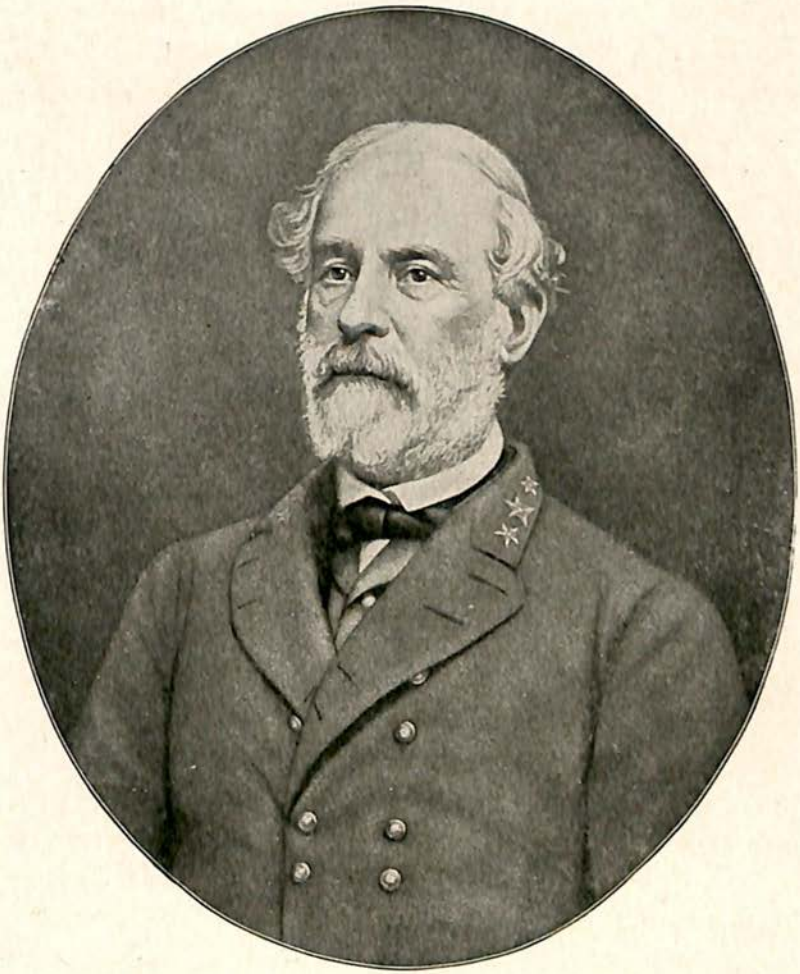
representative conventions were the proper instruments of secession.

But many of them had doubted the policy and the occasion. Men forgot afterwards the sturdy fight made

T. J. Jackson THOMAS JONATHAN JACKSON

among the southern people for the preservation of the Union, by men whom all southerners loved and would upon ordinary occasion have followed right willingly; forgot the doubtful balance of parties and opinion there had been among them for many anxious years together.

That final breach and agitation between North and South had begun, not a single short year before, when Mr. Lincoln was nominated and the Republican party began to gather for its triumph, but in 1848, when the territory acquired from Mexico was to be disposed of as between North and South and southern men had insisted that the balance between the sections, disturbed in 1820 by the compromise concerning Missouri, should be redressed. Mr. Douglas's unpalatable doctrine of "squatter sovereignty" had deepened the mischief. He softened it as he could, to keep the southern men at his back; but the disguise of his careful phrases was stripped off by Mr. Lincoln in debate. The searching questions of a masterful opponent forced him to say that, though no law of Congress could exclude property in slaves from the Territories, the unfriendly provisions of territorial law itself might, if the settlers chose, render its tenure practically impossible. From that day the southern leaders knew that to act with a party which followed Mr. Douglas was to lose the constitutional battle they had fought a long generation through for the balance of power between North and South. There was steadfast love for the Union in the South as in the North. Mr. Calhoun had loved it, and it had broken his heart that he could not save it upon the principles which he conceived to be its heart and life. Men who knew the South only by some casual glimpse of southern men, some brief journey through the southern country, some transient sojourn of a single season, deemed the southern people as unstable, as easily stirred to rash action as a Gallic populace, so passionately did they seem to respond to the appeals of their orators, so eagerly did they yield themselves to the excitements of every



R. E. Lee

ROBERT EDWARD LEE

agitation. But they were an English folk, strengthened here and there by the sober Scots-Irish strain and the

THE SHELL ROAD, MOBILE

earnest blood of the steadfast Huguenot. They held to their principles, their habits, their prepossessions with a simple, instinctive, undeliberate consistency

which no excitement of the moment really touched or unsettled. They had been schooled, as all the nation had, in a loyal allegiance to the Union which their own statesmen had done so much to set up and make illustrious. Whatever their old-fashioned view of the character of its constitution or of the rights of the States as members of the great partnership, no ordinary occasion, no sudden gust of passion could have torn their thoughts from those old moorings. It had taken a long twelve years of agitation to get them in revolutionary mood, and men whom they equally loved and heeded had stood all those critical days through on the one side and on the other in determined combat, some to save, some to break the Union. It was by appealing to their very conservatism, their attachment to the older models and theory of their government, that the advocates of secession had won.

It had been a battle of statesmen and orators, and only at the last had the advocates of secession triumphed. Many an influential planter in the South was by sheer instinct of class and tradition a Whig, and held himself, alike by interest and by natural obligation, an ally, not of the democracy to which Mr. Jefferson had given life, but of men of property and of vested right everywhere. If his neighbors and the small farmers and the tradesmen of the towns were Democrats, even they chose their party alliances by a conservative instinct: because they deemed the Democratic party a conservator of old views, the most trustworthy opponent of newfangled doctrine and revolutionary change. Many a Whig planter believed devoutly in the sovereign rights of his State, and the preservation of those rights was at the very heart of every southern Democrat's creed;

but love of the Union and reverence for law underlay the thought of all alike and stuck fast in the stubborn fibre of an English race. It was such a people that went to school to its orators to learn the issues and the

ARLINGTON, THE RESIDENCE OF GENERAL ROBERT E. LEE

final purposes of the fateful decade 1850–1860. A few resolute men turned them to secession.

A single figure stood for a while, almost alone, at the front of the coming revolution, the figure of William L. Yancey, of Alabama. Before Mr. Calhoun died Mr. Yancey took up the theme which had darkened the last utterances of the aged Carolinian like a prophecy of ruin,—took it up, not as a counsel of despair, but as a counsel of duty. Compromise between North and South, he declared, was out of the question. In 1846 he resigned his seat in Congress because he would not

act with any party which so much as debated the exclusion of slavery from the Territories; and went home

W. L. Yancey WILLIAM LOWNDES YANCEY

to spend the remainder of his life and every power of his strong mind in the advocacy of a course which once and for all rejected compromise and accepted only the

doctrines which should forever safeguard the constitutional rights and material interests of the South, even though such a course should lead to a disruption of the Union. He was a man of no majesty of presence, no adventitious grace of manner; never studied his art as agitator or sought to catch the people by any assault of passionate appeal; but burned with a conviction which had its own dignity and irresistible might; used the ways of frank, direct, engaging speech which went most naturally with his open, unaffected nature; argued his case to the bottom, plead it with whole-souled ardor, as a thing not of expediency but of right, and was careless where it should take fire of itself. Above all, his words rang, upon every theme he touched, in a voice whose slightest tone thrilled along the blood, so rich, so flexible, was it, so compact of the quiet passion of the mind. While others wavered, caught now at this expedient and again at that to turn the current he was setting against them,—against the Union itself,—he held steadfast, undoubting, to his simple theme. Majorities followed him and left him; conventions heard him now with acquiescence and again with deep disquietude and passionate dissent; but no man could decline to listen when he spoke, and none who heard him could long steel himself against the charm and power of his appeal. It was the tones of his voice, the resonant echo of his theme, that seemed to linger in the air after every controversy. It was he more than any other who taught the South what Douglas really meant; he, more than any other, who split the ranks of the Democratic party at Charleston, made the election of Douglas impossible, and brought Mr. Lincoln in.

He had foreseen what must come, and hesitated as

little after the event as before it. He was for immediate and final secession; and, though he had to carry the fight to the very floor of the convention of his State, met to make the final critical decision, he won it there, by an initial majority of eight votes. Twenty-four members of the convention stood out against the action to the very last, and refused to put their names to the fateful paper which cut their connection with the Union; but the people accepted the decision of the majority, and he had his way. Men whom they had followed through many a long year, when Mr. Yancey was only their incomparable orator, not their leader, the people now rejected; and their own capital town of Montgomery saw the government of the Confederacy set up.

Georgia had been won by a like slow and stubborn contest, doubtful till the very last. Even Mr. Stephens had held stoutly, indomitably to the side of the Union until the final movements of the fight had been lost and won,—the slender, delicate, singular man whom the convention at Montgomery made Vice President of the Confederacy: a man whose fragile, shadowy body seemed scarcely able to endure the keen flame of his thought. He admitted the legal right of secession, but he turned upon every argument of expediency or necessity urged in its favor a searching light of ridicule, criticism, satire which it was hard for any man to stand in and not flinch. The piercing tones of his high-pitched, feminine voice seemed to add to the cutting force of his words. But men of a different sort had overborne him. One figure in particular took the imagination and ruled the spirits of that susceptible people, the figure of Thomas R. R. Cobb. The manly beauty of his tall, athletic person; his frank eyes on fire; his ardor,

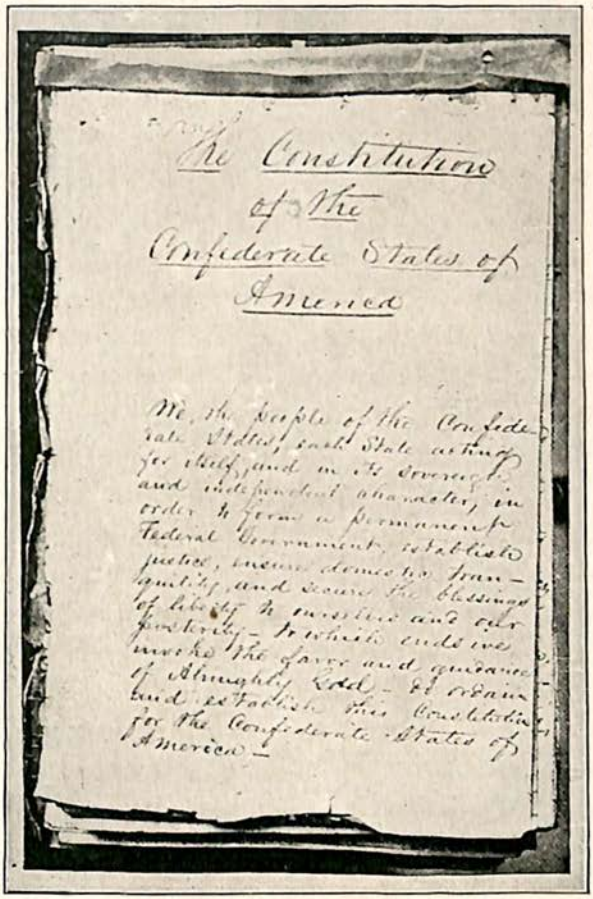
THOMAS R. R. COBB

as of a man not arguing a case of politics or expediency but given over to a cause not less sacred, not less fraught with the issues of life and death, than religion itself; his voice, as musical and as sure to find its straight way to the heart as Mr. Yancey's, made his words pass like a flame from country-side to country-side.

There could be no doubt what the constitution[1] of the Confederacy should be. The advocates of secession had not rejected the constitution of the United States as it had been in the first days, when read, as they conceived, in its simplicity and original import, but only the corrupt interpretations which had been put upon it, the leadership of parties which would have wrested its meanings to the South's destruction. They made a constitution at Montgomery, therefore, which they meant to be in all essential things a counterpart of the constitution of the Union which they had abandoned,—except that in their own document what they held to be the implicit meanings of that constitution were made explicit, and its errors and weaknesses of detail corrected. "We, the people of the Confederate States, each State acting in its sovereign and independent character," ran its preamble, in order that the rôle of the States in the free partnership might not again be questioned. Protective tariffs it specifically prohibited, as well as all internal improvements at the general charge; and the power to emit bills of credit it did not grant. The recognition and protection of slavery in all territories of the new government it made an explicit principle of fundamental law. The importation of negro slaves from foreign countries, on the other hand, it explicitly forbade; and the Congress was given power to prohibit the introduction of slaves from

[1] See Appendix, p. 169, and following.

any State or Territory of the older Union. New States were to be admitted only by a vote of two-thirds of each


The Constitution
of the
Confederate States of
America
We, the people of the Confederate States, each State acting
for itself, and in its sovereign
and independent character, in
order to form a permanent
Federal Government, establish
justice, insure domestic tran-
quility, and secure the blessings
of liberty to ourselves and our
posterity — do which ends we
invoke the favor and guidance
of Almighty God — do ordain
and establish this Constitution
for the Confederate States of
America —

FIRST PAGE OF THE ORIGINAL DRAFT OF THE CONSTITUTION OF THE CONFEDERATE STATES

house of Congress, "the Senate voting by States." Every state legislature was accorded the right to impeach confederate officials whose duties lay entirely within its own territory. The demand of "any three

States assembled in their several conventions" was made sufficient to secure the calling of a convention of all the States for the amendment of the constitution. It was thought best, in view of experience in the older Union, to extend the presidential term to six years, and to make the President ineligible for re-election. The President was explicitly given authority to remove at his pleasure the principal officer in each of the executive Departments and all persons connected with the diplomatic service; but he was empowered to remove other civil officers only for dishonesty, inefficiency, misconduct, or neglect, or when their services were unnecessary, and he was required to report to the Senate his reasons for removal in every such case. He was granted the right to veto individual items in appropriation bills; and the Congress was forbidden, except by a two-thirds vote, to make any appropriations not asked for and estimated by the heads of the executive Departments, unless such appropriations were for the legitimate expenses of Congress itself or for the payment of just claims against the government which had been judicially determined. Congress was authorized to grant seats upon its floor and the right of debate upon all public measures to the heads of the several executive Departments, in order that Congress and the Executive might act in closer harmony and easier co-operation than had been possible in the old Union.

There was to be no time of peace, it turned out, in which to make test of these new provisions. They bespoke men as their authors who had kept an observant and sagacious eye upon affairs, and who had perceived very clearly where some of the dangers and inconveniences of the older system lay; but no work of crit-

ANDREW JOHNSON

icism or of reconstruction was of much avail amidst the furious storms of war into which the new government was plunged from the very outset. Whatever frame of government they might have devised, the Executive must have stood supreme at the front of all action while war held, a war for very existence. A nice balance of constitutional adjustment was out of the question. Counsel was hastened, debate postponed; the exigency of each occasion determined the means and the mode of action. Constitutional safeguards gave way to the mere problem of making the existence of the government good upon the battle-field. Critics of what was done might for a little while affect opinion out of doors or at a distance from the field, but they could not change the course of affairs. Moreover, war itself altered the whole atmosphere of opinion. No doubt at first the people had been persuaded, perhaps overruled, by a handful of leaders, and had assented with a vague hope rather than with any confident purpose to the radical courses of secession, resentful of the wrongs they conceived themselves to have suffered in the Union rather than desirous of independence or of a new government set up in rivalry to the old upon that familiar seaboard. They had been assured that there would be no permanent separation: that new terms and a stricter understanding of rights must be had with the northern partners, and that better terms could be made out of the Union than in it, by secession than by submission. No doubt their leaders had themselves believed this, had actually hoped to see their States re-enter the old Union with a new security for their interests, a firmer, more definite position of right. Only the actual use of force against them had

changed their temper and their hope; and war had wrought as deeply upon the spirits of the people as upon their own. When once the call to arms was made, doubts dropped away, the spirit of a whole people leaped within them, the very provisions of their new constitution became for the time almost a matter of indifference. Debate was over, and spontaneous action had begun, touched with a new ardor and a terrible enthusiasm.

Not every one, indeed, was caught by the new passion. Here and there groups of men held stubbornly off from the desperate business and would not be drawn into it. In one of the northern counties of Alabama, Mr. Yancey's own State, Union men outnumbered secessionists four to one and maintained themselves in military organization. A southern county of Mississippi accepted the doctrine of secession, indeed, but interpreted it in its own behoof, and itself solemnly seceded from the State and from the Confederacy rather than send its men to distant battle fields. And yet the real burden of the war fell, not upon the spirits of men, but upon the resources of the country. Though the South should call upon every man of her fighting population to go into the field, she had but one-fourth as many men fit for the field as the North. Armies must be fed and clothed, besides, and the South was put to the utmost strain to keep her men as well even as the ragged levies of the Revolution had been kept, who had deemed it a plentiful bounty to escape starvation. A four years' war was of necessity a war of resources, and the South was but an agricultural region, its population spread widely abroad over a great area, only here and there a railway, its matchless stores of coal and iron almost untouched, no manufactures set up, save here and there

a cotton mill or a woolen factory, its own cotton woven, for the use of southerners themselves, chiefly in the great manufacturing centres of the North.

Southerners knew themselves dependent on Europe or the northern States for almost every yard of cloth, every coat or shoe or hat that they wore; for their agricultural implements, carpenter's tools, wagons, cordage, nails, harness, saddles, axes, tubs, buckets, their very chemicals and medicinal drugs,—for everything except their bread and meat. The war shut them close within their boundaries. The cordon of blockading fleets all but sealed their ports; the steady extension of the federal lines down the valley of the Mississippi River and across the broad reaches of the States of Mississippi and Tennessee to the southern spurs of the Appalachians at Chattanooga thrust their western frontier in to the mountains. Between that impenetrable wall and the closed seas they were pent up, with no markets, no means of life or comfort or subsistence, no military supplies save such as they could themselves make or take from their enemy. They could get no more railroad iron, no more locomotives, no more railway carriages or cars for freight, no more steam boilers or engines, no more telegraph wire, no more spades to use in the trenches, unless, in the midst of war, they created out of hand an entire industrial system, for which they had neither trained master mechanics nor fit workmen.

Her cotton, her tobacco, and her rice, had supplied the South with the wealth with which she had paid the prices of the world for her clothing and her tools and all the varied product of the factories. Of the great staples rice and cotton she had almost a monopoly. Her cotton fields supplied half the world; her rice and

CHATTANOOGA, TENNESSEE, IN 1862

tobacco found their way into every market. Nearly one-third of the Indian corn of the country, moreover, came from her plantations. But, without markets, the crops were valueless. The value of the cotton exported in 1860 had been $202,741,351. In 1861 it was but $42,000,000; in 1862 but $4,000,000. The value of the rice exported in 1860 had been $2,567,399. The value of that exported in 1862 was $156,889. The rice fields, moreover, lay upon the exposed southern coasts, where the federal fleets gathered stronger and stronger month by month, and had presently to be abandoned. It was no slight embarrassment and bred a great disturbance of values that there was no way, so long as she was thus shut in, by which the South could replenish her stock of specie. Some specie there was, of course, in the banks; some came in at the outset by way of loans obtained abroad, before the blockading fleets were numerous enough to intercept it; but its

quantity was insignificant as compared with what was needed to hold the currency stable when treasure was being poured out for the war. The bulk of it was paid out almost at once to meet foreign balances. Private individuals hoarded all they could lay their hands on, and it practically passed out of circulation. Paper money took its place, the promises of States as well as of the confederate government itself; grew in volume from month to month with startling rapidity; and sank in value as the old continental paper had sunk in the days of the Revolution. No man knew for how much he was selling his crops when he sold them for paper. No man could guess how much of that questionable currency would be necessary to pay his debts another year. Postal clerks at Richmond presently found themselves obliged to resign because they could not live on a salary of nine thousand dollars.

Abundant harvests of grain filled the fields all the anxious four years through. The smiling valley of the Shenandoah and the fertile fields of central Georgia had been the chief granary of the South. The Shenandoah was swept from end to end by the contending armies; the grain of central Georgia ripened just in time, in 1864, to feed the army of General Sherman as it pushed southward to the sea. But other fields supplied what the ravages of war destroyed. Cotton being no longer salable, provident planters sowed corn in its stead. What seemed next to impossible was to get the grain to market. The railways were in constant use by the armies; the common roads were falling into utter disrepair; wagons and teams were at the front with the soldiers; many a household within but a few miles of well-filled granaries found itself put to sore

straits to get food. It was hard, moreover, to live on maize alone. Very little wheat grew in the southern fields; very far from enough to supply all the southern country with wheaten bread. Southern housekeepers were put to their wits' ends to devise means to diversify the diet of their households and make it wholesome. New food stuffs were brought into requisition: peas that had before been offered only to cattle, roots that had hitherto been thought only curious or medicinal. Coffee and tea were shut out with the closing of the ports, and every possible substitute was tried.

A STREET HUCKSTER IN RICHMOND, VIRGINIA

And yet to get food was a simpler matter than to get shoes and clothing. Looms which had not seen thread since the Revolution were brought forth out of attics and put to the task of making "homespun" for a whole household. Since tanneries were few and used their primitive processes with infinite slowness, leather could scarcely be had; and when shoes wore

out there was nothing for it but either to go barefooted or substitute rude wooden clogs shod with iron. Men followed the armies to pick up for the tanner the hides of the animals slaughtered for the soldiers' food. Riding saddles were stripped of their skirts that no piece of leather might be wasted. In mild weather the children could go without shoes; in severe weather they were kept within doors. The very cards with which the cotton fibre was carded for use on the looms had teeth of steel wire which could not be replaced when they wore out, and every card was guarded and mended like a priceless treasure. Infinite care and a novel ingenuity gave to every domestic duty a new significance. Every plantation had its smoke-house, and before the war came on carefully cured hams and sides of bacon had furnished the commonest dish of meat, whether for the table of the slave's cabin or of the master's house; but the South had then imported its salt. There were but one or two salt mines within the borders of the Confederacy; and when armed men and ships had been drawn about those borders there was not salt enough for the smoke-houses. There was scarcely enough for the kitchen. The very floors of the smoke-houses were scraped for the salt that might be got from the drippings of past years; and gentle and common alike went without their accustomed dish of bacon.

The armies, of course, suffered most from every kind of want that had come upon the land. To march without shoes, to make shift with torn and ragged clothing which there was little hope of replacing, to fight and endure hardship on half-cured bacon and a scant dole of hard corn bread, to go without coffee or any stimu-

lant, and finally to lack even healing medicines in the inevitable hospital put men of the stoutest constitution to tests more fatal oftentimes than those of the battle-field itself. There was coarse food enough in the country, but the government had scant means of paying for it and had no efficient commissariat through which to make sure of supplying the armies even with such things as it could obtain. One difficulty that immensely increased from year to year was the utterly insufficient means of transportation. There were a few long lines of railway which linked the main towns and seaports of the country together; but the armies could not be always lying close to these, and there were few side lines by which to reach the camps if the movements of the war drew the armies to a distance. Such lines as there were, moreover, hopelessly deteriorated from month to month. Such iron and steel works as the Confederacy contained or could build while the war lasted had to be used almost exclusively for the manufacture of cannon and military supplies, and could not have

SELLERS OF FIREWOOD IN RICHMOND, VIRGINIA

been drawn off from that indispensable work to make new rails and locomotives and car trucks for the railways even if there had been iron enough. And there was not iron enough. The country had to be stripped of every spare scrap of iron to make and repair the weapons of war. When rails wore out they could be replaced only by tearing up sidings and minor lines of road. When rolling stock fell into disrepair no new cars could be had. When the war was over little more seemed left of the railways than their graded road-beds and odds and ends of their rolling stock hardly fit for further use.

The commanders in the field often found themselves as hard put to it to obtain military stores as to get food and clothing. The devoted women at home sent thousands of homespun garments to the front for their sons and husbands and brothers, and warm socks without number knitted with their own hands; even cut their carpets up to be sent to the camps for blankets; but the women could not make powder and guns. Considerable supplies of arms and munitions had been got in from England before the blockade was drawn tight about the ports, and across the border through Mexico before Texas and the Gulf ports had been cut off from the rest of the Confederacy by the pressure of hostile armies down the valley of the Mississippi. At the first act of secession southern forts and arsenals had been seized with large supplies of arms. General Jackson made rich prize of military supplies at Harper's Ferry; and many another success in arms swept the booty of the field into the confederate chests and armories. But with all this there were not arms enough for the great musters that went to the front. Cannon

and arms had to be made, and made without materials except such as were already at hand. Every brass bell that could be found went to the foundry to be melted down and cast into cannon. Devoted housekeepers even contributed their brass preserving kettles and every piece of household brass that could be spared. Private fowling pieces were used when muskets lacked, and ancient muskets and side arms came once more into use which had hung upon the wall as curious heirlooms ever since the days of the Revolution.

A SUPERANNUATED DARKY IN RICHMOND, VIRGINIA

All the fire-arms used by the confederate armies were muzzle-loaders, and the mere supply of percussion caps became a matter of no small difficulty. A mechanic at the Richmond arsenal, the chief factory of arms, ingeniously contrived a machine by means of which a million caps could be pressed and filled every twenty-four hours; but the loss of the copper mines of Tennessee followed the occupation of Chattanooga by the federal forces, and the supply of sheet copper out of which

the caps were made was suddenly cut off. An officer was despatched, accordingly, to North Carolina to buy and forward to Richmond every turpentine and brandy still he could find in the State, and the copper from these supplied all the caps used by General Lee's army during the closing year of the war. The caps were usually filled with fulminate of mercury; mercury could be had only from abroad; and the supply gave out. Diligent experiment was made, and it was discovered that a combination of chlorate of potash and sulphuret of antimony could be successfully substituted. The inventive genius and practical resourcefulness of men and officers alike were quickened by the extraordinary exigencies of those fearful years to make the most of what they had. Common glass demijohns were converted into contact torpedoes to close the channels of the southern rivers, and did their work with terrible execution. An assaulting party rolled bales of cotton before them for shelter as they worked their way forward to the storming of a position. Skilful and experienced mechanics were lacking, foundrymen, ship carpenters, engineers,—for the South had hitherto had no need of these; but every man of education in the armies turned his wits and knowledge to practical account upon occasion and supplied the lack as best he could.

Almost every white man of fighting age, and many who were too young or too old for the field, came first or last into the ranks, and the war seemed to be using the whole capacity of a proud and capable race. Hundreds of thousands volunteered; the rest were drawn in by conscription. Where it was necessary to use the entire fighting population it was impossible to rely on vol-

untary service, and the South, with its scant numbers for the field, resorted to conscription sooner than the North. It was absolutely necessary, of course, to leave some men at home to do the indispensable work of peace by which homes and armies alike were to be supported;

TO ARMS! TO ARMS!
VOLUNTEERS!

To the Citizens of McLean County:

By virtue of the Proclamation of his Excellency, the Governor of the State of Illinois, the Sheriff of each County, (where there are no officers in command,) is authorized to raise volunteer companies, and forward them to Springfield, the place of general rendezvous, to join the Illinois army in aid of the Federal Government, in the suppression of rebellion and insurrection:

Therefore, all persons that will volunteer, are requested to come to my office in Bloomington, and enlist; and as fast as companies are formed, they will be immediately forwarded to Springfield.

Each Company to consist of

One Captain, Four Sergeants, Two Musicians,
First and 4 Lieutenants, Four Corporals, Eighty Privates,

Each Company to elect their own Officers.

One Company has already been raised in Bloomington, and I hope to be able to raise one or two companies more in McLean County.

OUR COUNTRY CALLS!

Let every Patriot that can leave his home and business for a time, promptly obey that call. I further propose that everybody meet in Bloomington, on MONDAY, 22d inst., at 12 o'clock, to aid and council in the aforesaid object.

JOHN L. ROUTT,
SHERIFF OF McLEAN COUNTY.

Bloomington, April 18, 1861.

A CALL FOR VOLUNTEERS IN ILLINOIS

but men enough even for that were not left at last, so inexorably had a drastic conscription swept the country of every possible soldier. So early as April, 1862, the confederate Congress had made all between the ages of eighteen and thirty-five subject to military service; in September of the same year it extended the obligation

to men of forty-five; and before the end of the war it had called upon boys of sixteen and old men of sixty. Slaves served the armies from the first as body servants, teamsters, hostlers, cooks, and laborers on the fortifications. Before the war closed the confederate Congress, in its straits for men, authorized, with something like general approval, the enrollment of slaves as armed troops; but not until the end was at hand and the measure too late to be of practical importance.

Such measures were but a proof of how the southern country was being stripped of everything, its men and its resources alike. There was proof in every action of the new government they had set up of the exigent difficulties, the utterly disconcerting perplexities brought upon the southern people by that unparalleled upheaval of civil war. In all counsels southern men had stood foremost in the advocacy of a central government of strictly defined and carefully limited powers, which should give to individuals and States the utmost possible latitude of independent privilege compatible with the maintenance of political authority and social order. They had flung out of the Union because the federal government had seemed to them to go too far in the arrogation of power. And yet the government they themselves had set up by way of protest became, amidst the entanglements of a war which involved its very existence, a power centralized beyond example in the history of America. Not only did all authority centre at Richmond, but all power at Richmond centred in the President and the heads of the executive Departments, particularly the Secretaries of the Treasury and of War.

The North had a like taste of the consequences of

war. Mr. Lincoln himself could not curb the wilful mastery of his Secretary of War. The rights of individuals gave way before the orders of an executive department: the supremacy of the war party and the power of the army were the law of the nation's life. But there was a limit. The courts were open; the law was not silenced; men lived their ordinary lives and were unmolested so long as they kept their hands from affairs which touched the government. Trade and peaceful employment were not throttled by a cordon of fleets and armies drawn about the land. Opinion moved openly and was outspoken, and every man could draw for himself the limits even of a government grown despotic to save the Union. But in the South war was, for the time being, the occupation and absorbing interest of a whole people. No man could draw wholly apart and live his own life. It was necessary, moreover, that the action of the war should be ordered, not by legislation and debate, but by ex-

A SELLER OF RABBITS AND HARES, RICHMOND, VIRGINIA

ecutive authority, central, efficient, unquestionable. It was no time to stand on the punctilios of law. There was no certain means, indeed, of determining what the law was. The supreme court provided for by the constitution of the Confederacy had not been organized. War had come too soon. Litigation was postponed to the necessary first task of making the government sure of a chance to live at all.

The houses could exercise no real restraint upon the Executive, because they did not put themselves into a position to understand or control it. Mere hereditary jealousy of executive influence made them unwilling to act upon the provision of their constitution which authorized them to bring the heads of the executive departments into their sittings to answer questions and take part in debate. There was, therefore, no intimacy of common counsel between Congress and the Executive; and the Executive, standing in the midst of affairs, standing where action was imperative, power necessary, debate perilous, stood at the centre of all initiative. Congress had no choice but to uphold its hands, and back it with the measures which the time, not statesmen's preferences, made necessary. Bitter debates from time to time marked its action. Sharp criticisms which cut to the quick of motive and policy rang in its halls. Many a battle of will against will disturbed the relations of the President and the houses. But more and more did the drift of war sweep all counsel into its current. Year by year the houses were emptied of their abler members, as the continental Congress had been in the old days of the Revolution. They were more needed for service in the field than for debate at Richmond. It grew less and less possible,

moreover, to discuss the exigent matters of the war with open doors, through which voices of censure and doubt, of discord and protest, might get abroad, to the demoralization of opinion and the heartening of foes. From the first, when subjects of defence were under discussion, the sessions of the Congress had been secret.

A WOOD PEDDLER, RICHMOND, VIRGINIA

More and more did every question seem to become a question of defence, until at last secret sessions became the rule, open sittings the exception.

It was in part the prudence of defence, not against enemies in the field, but against opinion within the Confederacy itself, that led the houses to close their doors so often. Opinion moved very uneasily under the masterful action of the government. Men were silenced rather than convinced. The right to the writ

of *habeas corpus* had been promptly suspended in the South, as in the North. Those who showed themselves too openly out of sympathy with the government soon learned that arrest would follow a frank expression of their views. Even freedom of movement from place to place was restricted: no one could stir far abroad from his home without a passport from the government. There was little to wonder at if men chafed hotly under restraints which kept the hand of government, it seemed, upon every individual's thoughts and affairs. It had never been so before in the history of America. It almost passed belief that it should be so now in the South, where men loved individual dignity and independence with an abiding passion. It was singular how docile proud men became. Only once was there any notable instance of resistance to the government's sweeping acts of power. Governor Brown, of Georgia, when the conscription laws seemed to him to have passed all reasonable bounds of exaction, refused in set terms to allow the confederate recruiting officers to put the law into execution within the State. For the rest, there was hardly more than quiet distress and muttered protest.

The financial measures of the government showed the straits to which it was put to support the struggle, and the extraordinary lengths to which the exigencies of the war were stretching its powers, quite as clearly as its wholesale drafts of men and its arbitrary arrests in rebuke of dissent. In its need for money the government had resorted to every expedient known to finance, even the most drastic and desperate. Money it knew from the first to be scarce. The banking capital of the South was but one seventh that of the North;

the accumulation of specie and of stocks of goods out of all proportion smaller, and more restricted in geographical distribution. At the very outset provision was made for the payment of taxes in kind. When its redundant issues of Treasury notes failed to add enough to the direct taxes to meet the necessities of the exchequer, the government sought and obtained of the planters loans from their crops,—promises of the payment into the Treasury of a certain proportion of the yield of their fields, in return for eight *per cent.* bonds. When the time came in which the crops could not be sold for lack of a market, the government directly purchased the products of the fields, paying for them with bonds, for lack of anything else to pay. The several States themselves took supplies from the people for the troops they had undertaken to maintain in the field, and paid for them only with their own certificates of indebtedness. The property of all alien enemies was confiscated. In 1863, as it came to the final pinch of necessity, Congress authorized the seizure of food supplies at rates fixed every sixty days by state commissioners. There was hot protest and indignation at this, but necessity had become the law of the land. Some might grumble, and even make as if they would resist, but there was in fact no limit to the devotion of the people to the cause they had espoused. Women gave their very hair to be sold for the support of the government their men had sworn to establish.

Before the end came that government had thrust its hand into practically every affair, whether public or private, that touched the sources of life. It had even gone into trade. When all money was spent loans and taxes came into its hands in the shape of the crude

products of the soil. Cotton and food stuffs were a kind of legal tender in trade, but the stocks which accumulated in the government store-houses were too great and bulky to be made currency of in the purchases of the executive departments. The cotton, especially, it could not get rid of unless some exit could be made to foreign markets. The Treasury Department, therefore, would grant no clearance papers to any vessel preparing for the desperate attempt of running the blockade which did not make up at least one half its cargo out of the government stores. Blockade running became a sort of government monopoly, either in the hands of the state governments or in the hands of the government at Richmond. Both what should be taken out and what should be brought in were determined by those who had charge of public affairs.

The wealth and resources of the North increased and were multiplied, the while. Four million seven hundred thousand acres of the public domain at the West were taken up by new settlers, who moved forward to occupy them as if in a time of peace. Nearly four thousand miles of railway were built. The value of imports leaped up to a sum which presently almost equalled for the North alone the total value of the imports of the whole country in 1860, the South included. Manufactures flourished as if under a new stimulation. Though it was spending blood like water, the population of the North was replenished; though money was poured out as if drunk up by the very soil of the battle fields, wealth kept pace with the demands made upon it, and more than kept pace.

One of the most distressing evidences of the straits the South had been brought to was the state of the

prisons in which she was forced to keep the thousands of prisoners who fell into the hands of her armies. More than two hundred thousand, first and last, were taken; and only some sixteen thousand of these were paroled upon the field. There were as many southern soldiers in the northern prisons. Not until the war seemed turning towards its end could an exchange of prisoners be arranged. The federal authorities knew their superiority in fighting population and did not care to lose it by returning fighting men to the South. If her soldiers died in southern prisons, they were dying for their country there, General Grant said, as truly as if they lost their lives in battle. Thirty thousand men died in the confederate prisons; as many more in the prisons of the North: the numbers almost exactly balance,—in the South, 30,156, out of 196,000 who were prisoners; in the North, 30,152, out of 227,000. But the causes were different. In the northern prisons the bitter chill of winter claimed as many lives as the rigors and privations of prison discipline. In the South there were not prisons, there were not guards, there was not food enough. Men could not be spared from the field to guard the prisons, and many thousands were crowded together under a handful of men. Proper sanitary precautions were in the circumstances impossible. The armies themselves lacked food and went without every comfort, and the prisoners could fare no better,—inevitably fared worse, because they were penned within a narrow space and lacked the free air of the camp. A subtle demoralization touched the government of the Confederacy itself as the war went its desperate course, and those who kept the prisons felt that demoralization with the rest.

Address delivered at the dedication of the Cemetery at Gettysburg.

Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedi-

FACSIMILE OF MR. LINCOLN'S AUTOGRAPHIC COPY OF THE GETTYSBURG ADDRESS, MADE BY HIM FOR THE SOLDIERS' AND SAILORS' FAIR AT BALTIMORE, IN 1864

cate — we can not consecrate — we can not hallow — this ground. The brave men, living and dead, who struggled here have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us — that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion — that we here highly resolve that these dead shall not have died in vain — that this nation, under God, shall have a new birth of freedom — and that government of the people, by the people, for the people, shall not perish from the earth.

Abraham Lincoln.

November 19. 1863.

No one could wonder to see even a people such as the southerners had shown themselves to be lose heart at last, acknowledge the bitter fortunes of those last days intolerable, and yield in a sort of despair. It had taken all the vigor and audacity of their government to keep them to the hopeless business as the year 1864 disclosed what it had in store for them. Not a little of the dogged perseverance and undaunted action of those closing months of the struggle had been due to the masterful characteristics of Mr. Jefferson Davis, the President of the Confederacy.[1] He had served a distinguished apprenticeship in arms in the Mexican war, a still more distinguished apprenticeship in affairs in the cabinet and in the Senate of the United States. He had the pride, the spirit of initiative, the capacity in business which qualify men for leadership, and lacked nothing of indomitable will and imperious purpose to make his leadership effective. What he did lack was wisdom in dealing with men, willingness to take the judgment of others in critical matters of business, the instinct which recognizes ability in others and trusts it to the utmost to play its independent part. He too much loved to rule, had too overweening a confidence in himself, and took leave to act as if he understood much better than those did who were in actual command what should be done in the field. He let prejudice and his own wilful judgment dictate to him the removal of Joseph E. Johnston from the command at Atlanta, the only man who could have made Sherman's march to the sea impossible. He sought to control too many things with too feminine a jealousy of any rivalry in authority. But his spirit was the life of the government. His too frequent mistakes were the result as

[1] See page 345.

much of the critical perplexities of an impossible task as of weakness of character. He moved direct, undaunted by any peril, and heartened a whole people to hold steadfast to the end.

The end came with every sign of sheer exhaustion and despair. Many a southern man had gone into that terrible contest against his better judgment, not wishing to see the Union broken, but yielding to his neighbors' views and the challenge of the summons to arms. Such men were a minority, here and there very strong, but nowhere strong enough to make their will prevalent in affairs; and they had very loyally offered their lives and their property for the cause they would rather have seen vindicated in some other way. When those last days came they took heart to acknowledge the inevitable, and to urge peace as a mere means to avoid utter destruction. While they cried to their rulers peace seemed to come almost of itself. The southern armies melted away by wholesale desertion. There was nothing to eat, there was next to nothing to put into the guns themselves; the women and children at home were starving as well as the men in the camps, their only helpers and protectors. It was more than the human spirit could bear. Men turned by the hundreds, by the thousands, by the tens of thousands from the camps to the roads which led homeward. The end had manifestly come. There was no need to stay to see it come. If they stayed at all, how could they leave until it came; and how could the women and children wait? When the surrender came federal rations had to be served out to those who were left to save them from the helpless weakness of starvation.

And so their land was to be "built up on a new basis,"

as General Lee said. The South had thrown her life into the scales and lost it. There had been extraordinary devotion and heroism and mastery on both sides, —in the South a devotion and sacrifice hardly to be matched save in some war of religion; armies of the same race and breeding had met and neither had known how to yield; the end could not come until one or the other was overwhelmed; the South had been overwhelmed; and the most terrible war of modern times was over. Statesmen and patriots might well look about them and see with a sort of dismay what there was to be reconstructed throughout the whole fabric of the national life. The Union had been saved; it was yet to be rehabilitated.

Most of the *authorities* for this chapter are to be found mentioned under the *sources* at the end of Chapter IV.; but there are a few which should here be added: J. L. M. Curry's *The Southern States of the American Union* and *Civil History of the Government of the Confederate States;* J. C. Schwab's *Confederate States of America* (chiefly a financial history): Frank A. Montgomery's *Reminiscences of a Mississippian in Peace and War;* J. W. Du Bose's *Life of William L. Yancey;* William Garrott Brown's *The Lower South in American History;* David Dodge's *Domestic Economy of the Confederacy* in volume 58 of the *Atlantic Monthly;* John S. Wise's *End of an Era;* and various essays scattered through the *Publications* of the Southern History Society.

APPENDIX

PARALLEL CONSTITUTIONS

CONSTITUTION OF THE UNITED STATES OF AMERICA

We, the people of the United States, in order to form a more perfect union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the

CONSTITUTION OF THE CONFEDERATE STATES OF AMERICA

WE, the people of the *Confederate* States, *each State acting in its sovereign and independent character, in order to form a permanent federal government*, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity—*invoking the favor and guidance of Almighty God* —do ordain and establish this Constitution for the *Confederate* States of America.

ARTICLE I.

SECTION 1. All legislative powers herein *delegated* shall be vested in a Congress of the *Confederate* States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall *be citizens of the*

Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a term of years, and excluding Indians not taxed, three-fifths of all other Persons. The actual Enumeration shall be made within three Years after the first meeting of the Congress of the United States, and within every subsequent Term of Ten years, in such Manner as they shall by Law direct. The Number of the Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three,

Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature; *but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or Federal.*

No person shall be a Representative who shall not have attained the age of twenty-five years, and *be a citizen of the Confederate* States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States, which may be included within this *Confederacy,* according to their respective numbers, which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all *slaves.* The actual enumeration shall be made within three years after the first meeting of the Congress of the *Confederate* States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every *fifty* thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of *South Carolina* shall be entitled to choose *six; the State of Georgia ten; the*

Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other officers; and shall have the sole Power of impeachment.

SECTION 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third class at the Expiration of

State of Alabama nine; the State of Florida two; the State of Mississippi seven; the State of Louisiana six; and the State of Texas six.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment; *except that any judicial or other Federal officer, resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.*

SECTION 3. The Senate of the *Confederate* States shall be composed of two Senators from each State, chosen for six years by the Legislature thereof, *at the regular session next immediately preceding the commencement of the term of service;* and each Senator shall have one vote.

Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the

the sixth Year, so that one-third may be chosen every second year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

Judgment in Cases of Impeachment shall not extend fur-

sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature which shall then fill such vacancies.

No person shall be a Senator who shall not have attained the age of thirty years, and *be a citizen of the Confederate* States; and who shall not, when elected, be an inhabitant of *the* State for which he shall be chosen.

The Vice President of the *Confederate* States shall be President of the Senate, but shall have no vote unless they be equally divided.

The Senate shall choose their other officers; and also a President *pro tempore* in the absence of the Vice President, or when he shall exercise the office of President of the *Confederate* States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the *Confederate* States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further

ther than to removal from Office, and Disqualification to hold and enjoy any Office of Honour, Trust or Profit under the United States: but the party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof: but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a majority of each shall constitute a Quorum to do Business; but a smaller number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two-thirds, expel a Member.

than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the *Confederate* States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

SECTION 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof, *subject to the provisions of this Constitution;* but the Congress may, at any time, by law, make or alter such regulations, except as to the *times* and places of choosing Senators.

The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

SECTION 5. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds of the whole number expel a member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one-fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION 6. The Senators and Representatives shall receive a compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same, and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the *Confederate* States. They shall, in all cases, except treason, felony, and breach of peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the *Confederate* States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the *Confederate* States shall be a member of

House during his Continuance in Office.

SECTION 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; if he approve, he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a Law. But in all such Cases the Votes of Both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned

either House during his continuance in office. *But Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department.*

SECTION 7. All bills for raising *the* revenue shall originate in the House of Representatives; but the Senate may propose or concur with the amendments, as on other bills.

Every bill which shall have passed *both Houses*, shall, before it becomes a law, be presented to the President of the *Confederate* States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days

by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote, to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION 8. The Congress shall have Power

To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;

(Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. *The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.*

Every order, resolution or vote, to which the concurrence of *both Houses* may be necessary, (except on a question of adjournment,) shall be presented to the President of the *Confederate* States; and, before the same shall take effect, shall be approved by him; or, being disapproved, shall be re-passed by two-thirds of *both Houses*, according to the rules and limitations prescribed in case of a bill.

SECTION 8. The Congress shall have power—

To lay and collect taxes, duties, imposts, and excises, *for revenue necessary* to pay the debts, provide for the common defence, *and carry on the government*

but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the punishment of counterfeiting the Securities

of the Confederate States; *but no bounties shall be granted from the treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts, and excises shall be uniform throughout the Confederate States:*

To borrow money on the credit of the *Confederate* States:

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes; *but neither this, nor any other clause contained in the constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce; except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation, in all which cases, such duties shall be laid on the navigation facilitated thereby, as may be necessary to pay the costs and expenses thereof:*

To establish uniform *laws* of naturalization, and uniform laws on the subject of bankruptcies, throughout the *Confederate* States; *but no law of Congress shall discharge any debt contracted before the passage of the same:*

To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities

and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and discoveries;

To constitute Tribunals inferior to the Supreme Court;

To define and punish Piracies and Felonies commited on the high seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel invasion;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United

and current coin of the *Confederate* States:

To establish post-offices and post *routes; but the expenses of the Post-office Department, after the first day of March in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenue:*

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the Supreme Court:

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and on water:

To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the *Confederate* States, suppress insurrections, and repel invasions:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the *Confederate* States;

States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of

reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of *one or more* States and the acceptance of Congress, become the seat of the government of the *Confederate* States: and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the *Confederate* State, or in any department or officer thereof.

SECTION 9. The importation of *negroes of the African race, from any foreign country other than the slaveholding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.*

Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy.

The privilege of the writ of

Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

No bill of attainder, *ex post facto* law, *or law denying or impa[i]ring the right of property in negro slaves shall be passed.*

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State, *except by a vote of two thirds of both Houses.*

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Congress shall appropriate no money from the treasury, except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of departments, and submitted to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice

of which shall have been judicially declared by a tribunal for the investigation of claims against the government, which it is hereby made the duty of Congress to establish.

All bills appropriating money shall specify in federal currency the exact amount of each appropriation and the purposes for which it is made; and Congress shall grant no extra compensation to any public contractor, officer, agent or servant, after such contract shall have been made or such service rendered.

No Title of Nobility shall be granted by the United States; and no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

No title of nobility shall be granted by the *Confederate* States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign state.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the government for a redress of grievances.

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense, to be twice put in jeopardy of life or limb; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact *so* tried by a jury shall be otherwise re-examined in any court of the *Confederacy*, than according to the rules of common law.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

SECTION 10. No State shall enter into any Treaty, Alliance, or Confederation: grant Letters of Marque and Reprisal; coin money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

SECTION 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws; and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the *Confederate* States; and all such laws shall be subject to the revision and control of Congress.

No State shall, without the

Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

consent of Congress, lay any duty *on* tonnage, *except on sea-going vessels, for the improvement of its rivers and harbors navigated by the said vessels; but such duties shall not conflict with any treaties of the Confederate States with foreign nations; and any surplus revenue thus derived, shall, after making such improvement, be paid into the common treasury. Nor shall any* State keep troops or ships-of-war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. *But wher any river divides or flows through two or more States, they may enter into compacts with each other to improve the navigation thereof*

ARTICLE II.

SECTION 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office

ARTICLE II.

SECTION 1. The executive power shall be vested in a President of the *Confederate* States of America. *He and the Vice President shall hold their offices* for the term of *six* years; *but the President shall not be re-eligible. The President and the Vice President shall* be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust

of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the president of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a Quorum for this Purpose shall consist of a Member or Members from two thirds of the States,

or profit under the *Confederate* States, shall be appointed an elector.

The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and all persons voted for as Vice President, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of the government of the *Confederate* States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States —the representation from each State having one vote: a quorum

and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President, but if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.

for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death, or other constitutional disability of the President.

The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the *Confederate* States.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the *Confederate* States.

No person except a natural-born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution,

No person except a natural born citizen of the *Confederate* States, or a citizen thereof at the time of the adoption of this

shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:

"I do solemnly swear (or "Affirm) that I will faithfully

Constitution, *or a citizen thereof born in the United States prior to the 20th of December, 1860,* shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the *limits of the Confederate* States, *as they may exist at the time of his election.*

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the *Confederate* States, or any of them.

Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the

" execute the Office of President
" of the United States, and will
" to the best of my Ability, pre-
" serve, protect and defend the
" Constitution of the United
" States."

SECTION 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

office of President of the *Confederate* States, and will, to the best of my ability, preserve, protect, and defend the Constitution *thereof*."

SECTION 2. The President shall be commander-in-chief of the army and navy of the *Confederate* States, and of the militia of the several States, when called into the actual service of the *Confederate* States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the *Confederate* States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties; provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the *Confederate* States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments

The principal officer in each of the executive departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the executive department may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

The President shall have the Power to fill all Vacancies that may happen during the Recess of the Senate, by granting Commission which shall expire at the End of their next Session.

The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session; *but no person rejected by the Senate shall be reappointed to the same office during their ensuing recess.*

SECTION 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission

SECTION 3. *The President* shall, from time to time, give to the Congress information of the state of the *Confederacy*, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall com-

all the officers of the United States.

SECTION 4. The President, Vice President and all civil Officers of the United States shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION 1. The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their offices during good Behavior, and shall, at stated times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

SECTION 2. The Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States and Treaties made, or which shall be made under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States, between Citizens of the

mission all the officers of the *Confederate* States.

SECTION 4. The President, Vice President, and all civil officers of the *Confederate* States, shall be removed from office on impeachment, for and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the *Confederate* States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION 2. The judicial power shall extend to all cases arising under this Constitution, the laws of the *Confederate* States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the *Confederate* States shall be a party; to controversies between two or more States; between a State and citizens of another State, *where the State is plaintiff;* between citizens claiming lands under grants of different States;

same State claiming Lands under Grants of different States and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work corruption of Blood, or Forfeiture except during the Life of the Person attained.

and between a State or the citizens thereof, and foreign states, citizens or subjects. *But no State shall be sued by a citizen or subject of any foreign state.*

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3. Treason against the *Confederate* States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be done.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION 2. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States; *and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.*

A person charged in any State with treason, felony, or other crime *against the laws of such State*, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No slave or other person held to service or labor *in any State or Territory of the Confederate States*, under the laws thereof, escaping *or lawfully carried* into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor: but shall be delivered up on claim of the party *to whom such slave belongs, or* to whom

SECTION 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

such service or labor may be due.

SECTION 3. *Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives and two-thirds of the Senate, the Senate voting by States;* but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations *concerning* the *property of the Confederate* States, *including the lands thereof.*

The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them at such times and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory, the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the territorial government, and the inhabitants of the several Confederate States and Territories shall have the right to take to such territory any slaves lawfully held by them in any

SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

of the States or Territories of the Confederate States.

The *Confederate* States shall guarantee to every State *that now is, or hereafter may become, a member of this Confederacy,* a republican form of government; and shall protect each of them against invasion; and on application of the legislature (or of the executive, when the legislature *is not in session*), against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article, and that no State, without its Consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE V.

SECTION 1. *Upon the demand of any three States, legally assembled in their several conventions, the Congress shall summon a convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said convention—voting by States—and the same be ratified by the legislatures of two-thirds of the several States, or by conventions in two-thirds thereof*—as the one or the other mode of ratification may be proposed by the *general convention—they shall thenceforward form a part of this Constitution. But* no State shall, without its consent, be deprived of its equal *representation* in the Senate

ARTICLE VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers both of the United States and of the several States, shall be bound by Oath, or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VI.

The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the *Confederate* States under this Constitution as under the *Provisional Government.*

This Constitution, and the laws of the *Confederate* States made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the *Confederate* States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the *Confederate* States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the *Confederate* States.

The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people *of the several States.*

The powers not delegated to the *Confederate* States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people *thereof.*

ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

ARTICLE VII.

The ratification of the conventions of *five* States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

When five States shall have ratified this Constitution, in the manner before specified, the Congress under the Provisional Constitution shall prescribe the time for holding the election of President and Vice President; and for the meeting of the Electoral College; and for counting the votes, and inaugurating the President. They shall, also, prescribe the time for holding the first election of members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them; not extending beyond the time limited by the Constitution of the Provisional Government.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independance of the United States of America the Twelfth. IN WITNESS whereof We have hereunto subscribed our Names,

GEO WASHINGTON—
Presidt and deputy from Virginia

New Hampshire.
JOHN LANGDON,
NICHOLAS GILMAN.

Massachusetts.
NATHANIEL GORHAM,
RUFUS KING.

Connecticut.
WM. SAML. JOHNSON,
ROGER SHERMAN.

New York.
ALEXANDER HAMILTON.

New Jersey.
WIL: LIVINGSTON,
WM. PATERSON,
DAVID BREARLEY,
JONA. DAYTON.

Pennsylvania.
B. FRANKLIN,
ROBT. MORRIS,
THO: FITZSIMONS,
JAMES WILSON,
THOMAS MIFFLIN,
GEO: CLYMER,
JARED INGERSOLL
GOUV: MORRIS.

Delaware.
GEO: READ,
JOHN DICKINSON,

ADOPTED unanimously by the Congress of the Confederate States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas, sitting in Convention at the capitol in the city of Montgomery, Alabama, on the Eleventh day of March, in the year Eighteen Hundred and Sixty-One.

HOWELL COBB,
President of the Congress.

South Carolina.
R. BARNWELL RHETT,
C. G. MEMMINGER,
WM. PORCHER MILES,
JAMES CHESNUT, JR.,
R W. BARNWELL,
WILLIAM W. BOYCE,
LAWRENCE M. KEITT,
T. J. WITHERS.

Georgia.
FRANCIS S. BARTOW,
MARTIN J. CRAWFORD,
BENJAMIN H. HILL,
THOS. R. R. COBB.

Florida.
JACKSON MORTON,
J. PATTON ANDERSON,
JAMES B. OWENS.

Alabama.
RICHARD W. WALKER,
ROBT. H. SMITH,
COLIN J. MCRAE,
WILLIAM P. CHILTON,
STEPHEN F. HALE,
DAVID P. LEWIS,
THO. FEARN,
JNO. GILL SHORTER,
J. L. M. CURRY.

JACO: BROOM,
GUNNING BEDFORD, Jun'r,
RICHARD BASSETT.

Maryland.
JAMES M'HENRY,
DAN: OF ST. THOS. JENIFER,
DANL. CARROLL.

Virginia.
JOHN BLAIR,
JAMES MADISON, Jr.

North Carolina.
WM. BLOUNT,
RICH'D DOBBS SPAIGHT,
HU. WILLIAMSON.

South Carolina.
J. RUTLEDGE,
CHARLES COTESWORTH PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

Georgia.
WILLIAM FEW,
ABR. BALDWIN.

Attest:
WILLIAM JACKSON,
Secretary.

Mississippi.
ALEX. M. CLAYTON,
JAMES T. HARRISON,
WILLIAM S. BARRY,
W. S. WILSON,
WALKER BROOKE,
W. P. HARRIS,
J. A. P. CAMPBELL.

Louisiana.
ALEX. DE CLOUET,
C. M. CONRAD,
DUNCAN F. KENNER,
HENRY MARSHALL.

Texas.
JOHN HEMPHILL,
THOMAS N. WAUL,
JOHN H. REAGAN,
WILLIAMSON S. OLDHAM,
LOUIS T. WIGFALL,
JOHN GREGG,
WILLIAM BECK OCHILTREE

EXTRACT FROM THE JOURNAL OF THE CONGRESS.

CONGRESS, March 11, 1861.

On the question of the adoption of the Constitution of the Confederate States of America, the vote was taken by yeas and nays; and the Constitution was unanimously adopted, as follows:

Those who voted in the affirmative being Messrs. Walker, Smith, Curry, Hale, McRae, Shorter, and Fearn, of Alabama, (Messrs. Chilton and Lewis being absent); Messrs. Morton, Anderson, and Owens, of Florida; Messrs. Toombs, Howell Cobb,

Bartow, Nisbet, Hill, Wright, Thos. R. R. Cobb, and Stephens, of Georgia, (Messrs. Crawford and Kenan being absent); Messrs. Perkins, de Clouet, Conrad, Kenner, Sparrow, and Marshall, of Louisiana; Messrs. Harris, Brooke, Wilson, Clayton, Barry, and Harrison, of Mississippi, (Mr. Campbell being absent); Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce, of South Carolina; Messrs. Reagan, Hemphill, Waul, Gregg, Oldham, and Ochiltree, of Texas, (Mr. Wigfall being absent).

A true copy:

J. J. HOOPER,
Secretary of the Congress.

CONGRESS, March 11, 1861.

I do hereby certify that the foregoing are, respectively, true and correct copies of "The Constitution of the Confederate States of America," unanimously adopted this day, and of the yeas and nays on the question of the adoption thereof.

HOWELL COBB,
President of the Congress

PART II

ORIGINAL DOCUMENTS

1853–1865

ORIGINAL DOCUMENTS

The Gadsden Treaty with Mexico, 1853

This treaty rectified the boundary line between the United States and Mexico, which had been difficult to determine under the treaty of 1848 (see "Treaty of Guadalupe Hidalgo"). It added 45,535 square miles of territory to the United States. Extracts from text in "United States Statutes at Large," Vol. X., pp. 1031–1037. (See page 28.[1])

Article I.

The Mexican Republic agrees to designate the following as her true limits with the United States for the future: Retaining the same dividing line between the two Californias as already defined and established, according to the 5th article of the treaty of Guadalupe Hidalgo, the limits between the two republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31° 47′ north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of 31° 20′ north latitude; thence along the said

[1] The final page references in the introductions are to allusions in the History which are explained and illustrated in these documents.

parallel of 31° 20′ to the 111th meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and Colorado Rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

The dividing line thus established shall, in all time, be faithfully respected by the two Governments, without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations, and in accordance with the constitution of each country, respectively.

In consequence, the stipulation in the 5th article of the treaty of Guadalupe upon the boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

Article II.

The Government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo; and the said article and the thirty-third article of the treaty of amity, commerce, and navigation between the United States of America and the United Mexican States, concluded at Mexico on the fifth day of April, 1831, are hereby abrogated.

Article III.

In consideration of the foregoing stipulations, the Government of the United States agrees to pay to the Government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions

PRINCIPAL EXPANSIONS OF THE UNITED STATES DOWN TO 1853

shall be paid immediately upon the exchange of the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

Article IV.

The provisions of the 6th and 7th articles of the treaty of Guadalupe Hidalgo having been rendered nugatory for the most part by the cession of territory granted in the first article of this treaty, the said articles are hereby abrogated and annulled, and the provisions as herein expressed substituted therefor. The vessels and citizens of the United States shall in all time, have free and uninterrupted passage through the Gulf of California, to and from their possessions situated north of the boundary line of the two countries. It being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government; and precisely the same provisions, stipulations, and restrictions, in all respects, are hereby agreed upon and adopted, and shall be scrupulously observed and enforced, by the two contracting Governments, in reference to the Rio Colorado, so far and for such distance as the middle of that river is made their common boundary line by the first article of this treaty.

The several provisions, stipulations, and restrictions contained in the 7th article of the treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte, below the initial of the said boundary provided in the first article of this treaty; that is to say, below the intersection of the 31° 47′ 30″ parallel of latitude, with the boundary line established by the late treaty dividing said river from its mouth upwards, according to the 5th article of the treaty of Guadalupe.

Article V.

All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the treaty of Guadalupe Hidalgo, shall apply to the territory ceded by the Mexican Republic in the first article of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth.

Article VI.

No grants of land within the territory ceded by the first article of this treaty bearing date subsequent to the day—twenty-fifth of September—when the Minister and subscriber to this treaty on the part of the United States proposed to the Government of Mexico to terminate the question of boundary, will be considered valid or be recognized by the United States, or will any grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico.

Article VII.

Should there at any future period (which God forbid) occur any disagreement between the two nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference; and should they still in this manner not succeed, never will they proceed to a declaration of war without having previously paid attention to what has been set forth in article 21 of the treaty of Guadalupe for similar cases; which article, as well as the 22d, is here reaffirmed.

ARTICLE VIII.

The Mexican Government having on the 5th of February, 1853, authorized the early construction of a plank and rail road across the Isthmus of Tehuantepec, and, to secure the stable benefits of said transit way to the persons and merchandize of the citizens of Mexico and the United States, it is stipulated that neither Government will interpose any obstacle to the transit of persons and merchandize of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States Government and its citizens, which may be intended for transit, and not for distribution on the isthmus, free of custom-house or other charges by the Mexican Government. Neither passports nor letters of security will be required of persons crossing the isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican Government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

The two Governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that Government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

The Mexican Government having agreed to protect with its whole power the prosecution, preservation, and

security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

Article IX.

This treaty shall be ratified, and the respective ratifications shall be exchanged at the city of Washington within the exact period of six months from the date of its signature, or sooner if possible.

In testimony whereof we, the Plenipotentiaries of the contracting parties, have hereunto affixed our hands and seals at Mexico, the thirtieth (30th) day of December, in the year of our Lord one thousand eight hundred and fifty-three, in the thirty-third year of the Independence of the Mexican Republic, and the seventy-eighth of that of the United States.

The Kansas-Nebraska Act, 1854

The passage of the bill to organize the Territories of Nebraska and Kansas and its approval on May 30, 1854, ended an agitation that had afflicted the Congress and the country since 1821, when the admission of Missouri left a vast tract of territory on its west without a political organization. In the course of ten years several bills were introduced in Congress to establish the new Territories of Nebraska and Kansas, but none succeeded in passage until this one of 1854. The following extracts are from the text in "United States Statutes at Large," Vol. X., pp. 277–290. (See page 22.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: beginning at a point in the Missouri River where the fortieth parallel of north latitude crosses the same; thence west on said parallel to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence on said summit northward to the forty-ninth parallel of north latitude; thence east on said parallel to the western boundary of the Territory of Minnesota; thence southward on said boundary to the Missouri River; thence down the main channel of said river to the place of beginning, be, and the same is hereby, created into a

SENATOR STEPHEN A. DOUGLAS, WHO INTRODUCED THE KANSAS-NEBRASKA ACT, JANUARY, 1854. AT THIS TIME DOUGLAS WAS CHAIRMAN OF THE SENATE COMMITTEE ON TERRITORIES

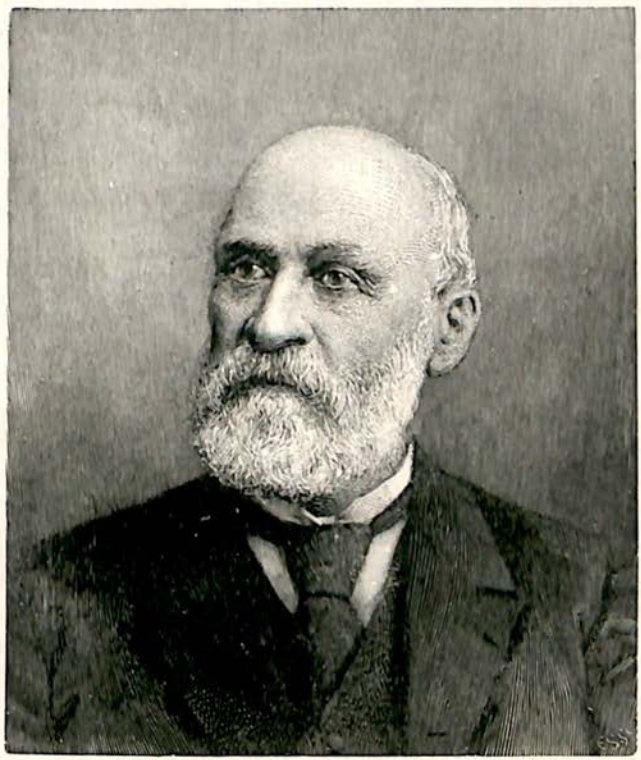
(From a contemporary photograph)

temporary government by the name of the Territory of Nebraska; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission: *Provided*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided further*, That nothing in this act contained shall be construed to impair the rights of persons or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Nebraska, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Nebraska, or to affect the authority of the government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the government to make if this act had never passed.

. . . . . .

SEC. 10. *And be it further enacted*, That the provisions of the act entitled "An Act Respecting Fugitives from Justice, and Persons Escaping from the Service of their Masters," approved February twelfth, seventeen hundred and ninety-three, and the provisions of the act

entitled "An Act to Amend, and Supplementary to, the Aforesaid Act," approved September eighteenth, eighteen hundred and fifty, be, and the same are hereby



CHARLES ROBINSON

(Leader of the Free-State Movement in Kansas in 1854. Born in Massachusetts, he settled in Sacramento, California, and in 1850 was elected to the Legislature. Returning to Massachusetts in 1854, he was chosen agent for the Kansas Emigrants' Aid Society, which founded Lawrence, Kansas. He was a member of the Topeka convention in 1855 which drew up a Free-State Constitution under which he was elected Governor.)

declared to extend to and be in full force within the limits of the said Territory of Nebraska.

. . . . . .

SEC. 14. *And be it further enacted*, . . . That the Constitution, and all laws of the United States which are

not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the Act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this Act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the Act of sixth of March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

Note: The provisions regarding slavery in Nebraska are repeated for Kansas.

The Ostend Manifesto, 1854

This noteworthy state paper was inspired by President Pierce. The United States in 1848 had offered Spain $100,000,000 for the cession of the island of Cuba, which was refused. Subsequently the relations between the United States and Spain became strained by reason of revolutions in Cuba and injuries to American commerce, and the events which followed resulted in the Manifesto. The correspondence between the State Department and the American Ministers to England, France, and Spain, here given, is from "House Executive Document," No. 93, Thirty-third Congress, Second Session. (See page 28.)

To the Minister of Spain

Department of State,
Washington, *Aug. 16, 1854.*

Sir,—I am directed by the President to suggest to you a particular step, from which he anticipates much advantage to the negotiations with which you are charged, on the subject of Cuba.

These and other considerations which will readily occur to you suggest that much may be done at London and Paris, either to promote directly the great object in view, or at least clear away impediments to its successful consummation.

Under these circumstances, it seems desirable that there should be a full and free interchange of views

between yourself, Mr. Buchanan, and Mr. Mason, in order to secure a concurrence in reference to the general object.

The simplest and only very apparent means of attaining this end is for the three ministers to meet, as early as may be, at some convenient central point (say Paris), to consult together, to compare opinions as to what may be advisable, and to adopt measures for perfect concert of action in aid of your negotiations at Madrid. While the President has, as I have before had occasion to state, full confidence in your own intelligence and sagacity, he conceives that it cannot be otherwise than agreeable to you and to your colleagues in Great Britain and France to have the consultation suggested and then to bring your common wisdom and knowledge to bear simultaneously upon the negotiations at Madrid, London, and Paris.

If you concur in these views, you will please fix the time when you can repair to Paris, or such other convenient point as you may select, and give notice of it to Mr. Buchanan and Mr. Mason, who have instructions on the subject, and will await advices from you as to the time and place of the contemplated conference. In case the proposed interview shall take place, you are desired to communicate to the government here the results of opinion or means of action to which you may in common arrive, through a trustworthy, confidential messenger, who may be able to supply any details not contained in a formal despatch.

I am, sir, respectfully your obedient servant,

W. L. MARCY.

Pierre Soulé, Esq., Madrid.

UNITED STATES LEGATION TO SPAIN,
LONDON, *Oct. 20, 1854.*

SIR,—Herewith I have the honor to transmit to you a joint communication from Mr. Buchanan, Mr. Mason,

and myself, embodying the result of our deliberations on the subject about which we had been desired to confer together. The issues, with reference to which we were instructed to express our judgment, were of too momentous an import not to tax all the discernment and discretion in our power, and it was with a deep sense of solemn responsibility that we entered upon the duties which had been assigned to us.

May we have accomplished our task in a manner not unworthy of the great object for which it was conferred on us!

My colleagues have had a full view of the difficulties and dangers which the question presents: and you will see that they have not hesitated to join me in the expression of sentiments according strikingly with the intimations repeatedly thrown out in your despatches to me.

I do not know if we shall be found sufficiently explicit in the language through which we have attempted to convey our impressions: I trust, however, that it will be found sufficiently free from ambiguity to leave no room even for a doubt as to its true meaning.

The question of the acquisition of Cuba by us is gaining ground as it grows to be more seriously agitated and considered. Now is the moment for us to be done with it; for if we delay its solution, we will certainly repent that we let escape the fairest opportunity we could ever be furnished with of bringing it to a decisive test.

Present indications would seem to encourage the hope that we may come to that solution peaceably. But if it were otherwise—if it is to bring upon us the calamity of a war—let it be now, while the great powers of this continent are engaged in that stupendous struggle, which cannot but engage all their strength and tax all their energies as long as it lasts, and may, before it ends, convulse them all.

Neither England nor France would be likely to inter-

fere with us. England could not bear to be suddenly shut out of our market and see her manufacturers paralyzed even by a temporary suspension of her intercourse with us.

And France, with the heavy task now on her hands, and when she so eagerly aspires to take her seat as the acknowledged chief of the European family, would have no inducement to assume the burden of another war, nor any motive to repine at seeing that we took in our keeping the destinies of the New World, as she will soon have those of the Old.

I close this despatch in haste, as I have no time left me to carry it further.

Mr. McRae leaves for Liverpool within a few minutes. I intrust to him details which would not have found a place here, nor in the other despatch. He will impart to you what of my mind I am not able to pour out in these lines.

Respectfully yours,

PIERRE SOULÉ.

Hon. William L. Marcy, Secretary of State.

AIX LA CHAPELLE,
Oct. 18, 1854.

SIR,—The undersigned, in compliance with the wish expressed by the President in the several confidential despatches you have addressed to us respectively to that effect, have met in conference, first at Ostend, in Belgium, on the 9th, 10th, and 11th insts., and then at Aix la Chapelle, in Prussia, on the days next following, up to the date hereof.

There has been a full and unreserved interchange of views and sentiments between us, which, we are most happy to inform you, has resulted in a cordial coincidence of opinion on the grave and important subject submitted to our consideration.

JOHN Y. MASON

(From an original painting in the War Department, Washington, D. C. United States Minister to France, 1854–59. He advocated the plan of Soulé and Buchanan, who were bent on acquiring Cuba)

We have arrived at the conclusion and are thoroughly convinced that an immediate and earnest effort ought to be made by the government of the United States to purchase Cuba from Spain at any price for which it can be obtained not exceeding the sum of $100,000,000. The proposal should, in our opinion, be made in such a manner as to be presented through the necessary diplomatic forms to the Supreme Constituent Cortes about to assemble. On this momentous question, in which the people both of Spain and the United States are so deeply interested, all our proceedings ought to be open, frank, and public. They should be of such a character as to challenge the approbation of the world.

We firmly believe that, in the progress of human events, the time has arrived when the vital interests of Spain are as seriously involved in the sale, as those of the United States in the purchase, of the island, and that the transaction would prove equally honorable to both nations.

Under these circumstances we cannot anticipate a failure, unless possibly through the malign influence of foreign powers, who possess no rights whatever to interfere in the matter.

We proceed to state some of the reasons which have brought us to this conclusion, and, for the sake of clearness, we shall specify them under two distinct heads:

1st. The United States ought, if practicable, to purchase Cuba with as little delay as possible.

2d. The probability is great that the government and Cortes of Spain will prove willing to sell it, because this would essentially promote the highest and best interests of the Spanish people.

The first, it must be clear to every reflecting mind, that, from the peculiarity of its geographical position, and the considerations attendant on it, Cuba is as necessary to the North American republic as any of its present members, and that it belongs naturally to the great family

of States of which the Union is the providential nursery. From its locality, it commands the mouth of the Mississippi, and the immense and annually increasing trade which must seek this avenue to the ocean.

On the numerous navigable streams, measuring an aggregate course of some 30,000 miles, which disembogue themselves through this magnificent river into the Gulf of Mexico, the increase of the population within the last ten years amounts to more than that of the entire Union at the time Louisiana was annexed to it.

The natural and main outlet to the products of this entire population, the highway of their direct intercourse with the Atlantic and the Pacific States, can never be secure, but must ever be endangered whilst Cuba is a dependency of a distant power, in whose possession it has proved to be a source of constant annoyance and embarrassment to their interests.

Indeed, the Union can never enjoy repose, nor possess reliable security, as long as Cuba is not embraced within its boundaries.

Its immediate acquisition by our government is of paramount importance, and we cannot doubt but that it is a consummation devoutly wished for by its inhabitants. The intercourse which its proximity to our coasts begets and encourages between them and the citizens of the United States, has, in the progress of time, so united their interests and blended their fortunes that they now look upon each other as if they were one people and had but one destiny.

Considerations exist which render delay in the acquisition of this island exceedingly dangerous to the United States. The system of immigration and labor lately organized within its limits, and the tyranny and oppression which characterize its immediate rulers, threaten an insurrection at every moment, which may result in direful consequences to the American people.

Cuba has thus become to us an unceasing danger, and a permanent cause of anxiety and alarm.

But we need not enlarge on these topics. It can scarcely be apprehended that foreign powers, in violation of international law, would interpose their influence with Spain to prevent our acquisition of the island. Its inhabitants are now suffering under the worst of all possible governments—that of absolute despotism, delegated by a distant power to irresponsible agents, who are changed at short intervals, and who are tempted to improve the brief opportunity thus afforded to accumulate fortunes by the basest means.

As long as this system shall endure, humanity may in vain demand the suppression of the African slave-trade in the island. This is rendered impossible whilst that infamous traffic remains an irresistible temptation and source of immense profit to needy and avaricious officials, who, to obtain their ends, scruple not to trample the most sacred principles under foot.

The Spanish government at home may be well disposed, but experience has proved that it cannot control these remote depositaries of its power. Besides, the commercial nations of the world cannot fail to perceive and appreciate the great advantages which would result to their people from a dissolution of the forced and unnatural connection between Spain and Cuba, and the annexation of the latter to the United States. The trade of England and France with Cuba would, in that event, assume at once an important and profitable character, and rapidly extend with the increasing population and prosperity of the island.

But if the United States and every commercial nation would be benefited by this transfer, the interests of Spain would also be greatly and essentially promoted. She cannot but see what such a sum of money as we are willing to pay for the island would effect in the development of her vast natural resources.

Two-thirds of this sum, if employed in the construction of a system of railroads, would ultimately prove a source of greater wealth to the Spanish people than that opened to their vision by Cortez. Their prosperity would date from the ratification of the treaty of cession.

France has already constructed continuous lines of railways from Havre, Marseilles, Valenciennes, and Strasbourg, *via* Paris, to the Spanish frontier, and anxiously awaits the day when Spain shall find herself in a condition to extend these roads through her northern provinces to Madrid, Seville, Cadiz, Malaga, and the frontiers of Portugal. The object once accomplished, Spain would become a centre of attraction for the travelling world, and secure a permanent and profitable market for her various productions.

Her fields, under the stimulus given to industry by remunerating prices, would teem with cereal grain, and her vineyards would bring forth a vastly increased quantity of choice wines. Spain would speedily become, what a bountiful Providence intended she should be, one of the first nations of Continental Europe—rich, powerful, and contented. Whilst two-thirds of the price of the island would be ample for the completion of her most important public improvements, she might, with the remaining forty millions, satisfy the demands now pressing so heavily upon her credit, and create a sinking-fund which would gradually relieve her from the overwhelming debt now paralyzing her energies.

Such is her present wretched financial condition, that her best bonds are sold upon her own Bourse at about one-third of their par value; whilst another class, on which she pays no interest, have but a nominal value, and are quoted at about one-sixth of the amount for which they were issued. Besides, these latter are held principally by British creditors who may, from day to day, obtain the effective interposition of their own government for the purpose of coercing payment. Intima-

tions to that effect have already been thrown out from high quarters, and unless some new source of revenue shall enable Spain to provide for such exigencies, it is not improbable that they may be realized. Should Spain reject the present golden opportunity for developing her resources, and removing her financial embarrassments, it may never again return. Cuba, in its palmiest day, never yielded her exchequer, after deducting the expenses of its government, a clear annual income of more than a million and a half of dollars. These expenses have increased in such a degree as to leave a deficit chargeable on the treasury of Spain to the amount of $600,000. In a pecuniary point of view, therefore, the island is an encumbrance, instead of a source of profit, to its mother-country.

Under no probable circumstances can Cuba ever yield to Spain 1 per cent. on the large amount which the United States are willing to pay for its acquisition. But Spain is in imminent danger of losing Cuba without remuneration.

Extreme oppression, it is now universally admitted, justifies any people in endeavoring to relieve themselves from the yoke of their oppressors. The sufferings which the corrupt, arbitrary and unrelenting local administration necessarily entails upon the inhabitants of Cuba, cannot fail to stimulate and keep alive that spirit of resistance and revolution against Spain which has, of late years, been so often manifested. In this condition of affairs it is vain to expect that the people of the United States will not be warmly enlisted in favor of their oppressed neighbors.

We know that the President is justly inflexible in his determination to execute the neutrality laws: but, should the Cubans themselves rise in revolt against the oppression which they suffer, no human power could prevent citizens of the United States and liberal-minded men from other countries from rushing to their assist-

ance. Besides, the present is an age of adventure, in which restless and daring spirits abound in every portion of the world.

It is not improbable, therefore, that Cuba may be wrested from Spain by a successful revolution; and in that event she will lose both the island and price which we are now willing to pay for it—a price far beyond what was ever paid by one people to another for any province.

It may also be remembered that the settlement of this vexed question by the cession of Cuba to the United States would forever prevent the dangerous complication between nations, to which it might otherwise give birth.

It is certain that, should the Cubans themselves organize an insurrection against the Spanish government, and should other independent nations come to the aid of Spain in the contest, no human power could, in our opinion, prevent the people and government of the United States from taking part in such a civil war in support of their neighbor and friend. But if Spain, dead to the voice of her own interest, and actuated by stubborn pride and a false sense of honor, should refuse to sell Cuba to the United States, then the question will arise, What ought to be the course of the American government under such circumstances? Self-preservation is the first law of nature, with States as well as with individuals. All nations have, at different periods, acted upon this maxim. Although it has been made the pretext for committing flagrant injustices, as in the partition of Poland and other similar cases which history records, yet the principle itself, though often abused, has always been recognized. The United States have never acquired a foot of territory except by fair purchase, or, as in the case of Texas, upon the free and voluntary application of the people of that independent State, who desired to blend their destinies with our own.

Even our acquisitions from Mexico are no exception to this rule because, although we might have claimed them by the right of the conquest in a just war, yet we purchased them for what was considered by both parties a full and ample equivalent.

Our past history forbids that we should acquire the island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude and our own self-respect.

ISABELLA II.
(Queen of Spain, 1833 to 1868)

Whilst pursuing this course we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed. After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, Does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union?

Should this question be answered in the affirmative, then by every law, human and divine, we shall be justified in wresting it from Spain if we possess the power, and this upon the very same principle that would justify an

individual in tearing down the burning house of his neighbor, if there were no other means of preventing the flames from destroying his own house.

Under such circumstances we ought neither to regard the circumstances nor count the odds which Spain might enlist against us. We forbear to enter into the question, whether the present condition of the island would justify such a measure. We should, however, be recreant to our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity, should we permit Cuba to be Africanized and become a second St. Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our own neighboring shores, seriously to endanger or actually to consume the fair fabric of our Union.

We fear that the course and current of events are rapidly tending to such a catastrophe. We, however, hope for the best, though we ought certainly to be prepared for the worst.

We also forbear to investigate the present condition of the questions at issue between the United States and Spain. A long series of injuries to our people has been committed in Cuba by Spanish officials, and are unredressed. But recently a most flagrant outrage on the rights of American citizens and on the flag of the United States was perpetrated in the harbor of Havana, under circumstances which, without immediate redress, would have justified a resort to measures of war in vindication of national honor. That outrage is not only unatoned, but the Spanish government has deliberately sanctioned the acts of its subordinates and assumed the responsibility attached to them. Nothing could more impressively teach us the danger to which those peaceful relations it has ever been the policy of the United States to cherish with foreign nations are constantly exposed than the circumstances of that case. Situated as Spain

and the United States are, the latter have forborne to resort to the extreme measures.

But this course cannot, with due regard to their own dignity as an independent nation, continue; and our own recommendations, now submitted, are dictated by the firm belief that the cession of Cuba to the United States, with stipulations as beneficial to Spain as those suggested, is the only effective mode of settling all past differences and of securing the two countries against future collision.

We have already witnessed the happy results for both countries which follows a similar arrangement in regard to Florida.

Yours, very respectfully,

JAMES BUCHANAN,
J. Y. MASON,
PIERRE SOULÉ.

Hon. Wm. L. Marcy, Secretary of State.

SUMNER ON THE CRIME AGAINST KANSAS, 1856

This is perhaps the strongest and most characteristic of the three speeches against slavery made by Sumner in the Senate, and it is the one for which he was brutally assaulted by Brooks of South Carolina. The speech occupied two days in its delivery, May 19 and 20, 1856, and is printed in full in the "Congressional Globe," Thirty-fourth Congress, First Session. Washington, 1856. Pp. 529–544 of the Appendix. The following extracts have been selected for quotation here. (See page 23.)

I undertake, in the first place, to expose the CRIME AGAINST KANSAS, in origin and extent. Logically, this is the beginning of the argument. I say Crime, and deliberately adopt this strongest term, as better than any other denoting the consummate transgression. I would go further if language could further go. It is the *Crime of Crimes*,—surpassing far the old *Crimen Majestatis*, pursued with vengeance by the laws of Rome, and containing all other crimes, as the greater contains the less. I do not go too far when I call it the *Crime against Nature*, from which the soul recoils, and which language refuses to describe. To lay bare this enormity I now proceed. The whole subject has become a twice-told tale, and its renewed recital will be a renewal of sorrow and shame; but I shall not hesitate. The occasion requires it from the beginning.

It is well remarked by a distinguished historian of our country that, "at the Ithuriel touch of the Missouri dis-

WILSON SHANNON

(Governor of the Territory of Kansas, 1855 to 1866. From an engraving by T. Doney)

cussion, the Slave Interest, hitherto hardly recognized as a distinct element in our system, started up portentous and dilated," with threats and assumptions which

are the origin of our existing national politics. This was in 1820. The debate ended with the admission of Missouri as a Slaveholding State, and the prohibition of Slavery in all the remaining territory west of the Mississippi and north of 36° 30′, leaving the condition of other territory south of this line, or subsequently acquired, untouched by the arrangement. Here was a solemn act of legislation, called at the time compromise, covenant, compact, first brought forward in this body by a slaveholder, vindicated in debate by slaveholders, finally sanctioned by slaveholding votes,—also upheld at the time by the essential approbation of a slaveholding President, James Monroe, and his Cabinet, of whom a majority were slaveholders, including Mr. Calhoun himself; and this compromise was made the condition of the admission of Missouri, without which that State could not have been received into the Union. The bargain was simple, and was applicable, of course, only to the territory named. Leaving all other territory to await the judgment of another generation, the South said to the North, Conquer your prejudices so far as to admit Missouri as a slave State, and, in consideration of this much coveted boon, slavery shall be prohibited "forever" (mark here the word "*forever*") in all the remaining Louisiana Territory above 36° 30′; and the North yielded. . . .

Time passed, and it became necessary to provide for this territory an organized government. Suddenly, without notice in the public press or the prayer of a single petition or one word of open recommendation from the President, after an acquiescence of thirty-four years, and the irreclaimable possession by the South of its special share under this compromise, in breach of every obligation of honor, compact, and good neighborhood, and in contemptuous disregard of the outgushing sentiments of an aroused North, this time-honored prohibition—in itself a landmark of Freedom—was overturned,

and the vast region now known as Kansas and Nebraska was open to slavery. . . .

It was carried, *first*, by *whipping in*, through Executive influence and patronage, men who acted against their own declared judgment and the known will of their constituents; *secondly*, by *thrusting out of place*, both in the Senate and House of Representatives, important business, long pending, and usurping its room; *thirdly*, by *trampling under foot* the rules of the House of Representatives, always before the safeguard of the minority; and, *fourthly*, by *driving it to a close* during the very session in which it originated, so that it might not be arrested by the indignant voice of the People. Such are some of the means by which this snap judgment was obtained. . . .

MARTIN F. CONWAY
(Chosen First Representative in Congress from Kansas)

Mr. President, I mean to keep absolutely within the limits of parliamentary propriety. I make no personal imputations, but only with frankness, such as belongs to the occasion and my own character, describe a great historical act, now enrolled in the Capitol. Sir, the Nebraska Bill was in every respect a swindle. It was

a swindle of the North by the South. On the part of those who had already completely enjoyed their share of the Missouri Compromise, it was a swindle of those whose share was yet absolutely untouched; and the plea of unconstitutionality set up—like the plea of usury after the borrowed money has been enjoyed—did not make it less a swindle. Urged as a bill of peace, it was a swindle of the whole country. Urged as opening the doors to slave-masters with their slaves, it was a swindle of Popular Sovereignty in its asserted doctrine. Urged as sanctioning Popular Sovereignty, it was a swindle of slave-masters in their asserted rights. It was a swindle of a broad territory, thus cheated of protection against slavery. It was a swindle of a great cause, early espoused by Washington, Franklin, and Jefferson, surrounded by the best fathers of the Republic. Sir, it was a swindle of God-given, inalienable rights. Turn it over, look at it on all sides, and it is everywhere a swindle. . . .

The offensive provision in the bill is in its form a legislative anomaly, utterly wanting the natural directness and simplicity of an honest transaction. It does not undertake openly to repeal the old prohibition of slavery, but seems to mince the matter, as if conscious of the swindle. It says that this prohibition, "being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the Compromise Measures, is hereby declared inoperative and void." Thus, with insidious ostentation, is it pretended that an act violating the greatest compromise of our legislative history, and loosening the foundations of all compromise, is derived out of a compromise. Then follows in the bill the further declaration, entirely without precedent, which has been aptly called "a stump speech in its belly," namely, "it being the true intent and meaning of this act not to legislate slavery into any Territory or State nor to exclude it therefrom, but to

leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." Here are smooth words, such as belong to a cunning tongue enlisted in a bad cause. But, whatever may have been their various hidden meanings, this at least is evident, that, by their effect, the Congressional prohibition of slavery, which had always been regarded as a sevenfold shield, covering the whole Louisiana Territory north of 36° 30′, is now removed, while a principle is declared which renders the supplementary prohibition of slavery in Minnesota, Oregon, and Washington "inoperative and void," and thus opens to slavery all these vast regions, now the rude cradles of mighty States. Here you see the magnitude of the mischief contemplated. . . .

MARCUS J. PARROTT
(Delegate to Congress, in 1857, from Kansas Territory)

Now the Nebraska Bill, on its very face, openly clears the way for slavery, and it is not wrong to presume that its originators intended the natural consequences of such an act, and sought in this way to extend slavery. Of course they did. And this is the first stage in the Crime against Kansas.

This was speedily followed by other developments. It was soon whispered that Kansas must be a slave State. In conformity with this barefaced scheme was the government of this unhappy Territory organized in all its departments; and thus did the President, by whose complicity the prohibition of slavery was overthrown, lend himself to a new complicity,—giving to the conspirators a lease of connivance, amounting even to copartnership. The governor, secretary, chief justice, associate justices, attorney, and marshal, with a whole caucus of other stipendiaries, nominated by the President and confirmed by the Senate, are all commended as friendly to slavery. No man with the sentiments of Washington or Jefferson or Franklin finds favor; nor is it too much to say that, had these great patriots once more come among us, not one of them, with his recorded, unretracted opinions on slavery, could be nominated by the President or confirmed by the Senate for any post in that Territory. . . .

For the ready enforcement of all statutes against Human Freedom the President furnished a powerful quota of officers, in the governor, chief justice, judges, secretary, attorney, and marshal. The legislature completed this part of the work by constituting in each county a Board of Commissioners, composed of two persons, associated with the probate judge, whose duty it is to "appoint a county treasurer, coroner, justices of the peace, constables, and *all* other officers, provided for by law," and then proceeding to the choice of this very Board, thus delegating and diffusing their usurped power, and tyrannically imposing upon the Territory a crowd of officers in whose appointment the people had no voice, directly or indirectly.

And still the final, inexorable work remained to be done. A legislature renovated in both branches could not assemble until 1858, so that, during this long intermediate period, this whole system must continue in the

likeness of law, unless overturned by the National Government, or, in default of such interposition, by the generous uprising of an oppressed people. But it was necessary to guard against possibility of change, even tardily, at a future election; and this was done by two different acts, under the *first* of which all who do not take the oath to support the Fugitive Slave Bill are excluded from the elective franchise, and under the *second* of which all others are entitled to vote who tender a tax of one dollar to the sheriff on the day of election; thus, by provision of Territorial law, disfranchising all opposed to Slavery, and at the same time opening the door to the votes of the invaders; by an unconstitutional shibboleth excluding from the polls the body of actual settlers, and by making the franchise depend upon a petty tax only admitting to the polls the mass of borderers from Missouri. By tyrannical forethought the Usurpation not only fortified all that it did, but assumed a *self-perpetuating* energy.

JAMES HENRY LANE
(First United States Senator from Kansas)

Thus was the Crime consummated. Slavery stands erect, clanking its chains on the Territory of Kansas, surrounded by a code of death, and trampling upon all

cherished liberties, whether of speech, the press, the bar, the trial by jury, or the electoral franchise. And, sir, all this is done, not merely to introduce a wrong which in itself is a denial of all rights, and in dread of which mothers have taken the lives of their offspring,—not merely, as is sometimes said, to protect Slavery in Missouri, since it is futile for this State to complain of Freedom on the side of Kansas when Freedom exists without complaint on the side of Iowa and also on the side of Illinois,—but it is done for the sake of political power, in order to bring two new slaveholding Senators upon this floor, and thus to fortify in the National Government the desperate chances of a waning Oligarchy. . . .

And this is the close of the tragedy. Popular Sovereignty, which, when truly understood, is a fountain of just power, has ended in Popular Slavery,—not in the subjection of the unhappy African race merely, but of this proud Caucasian blood which you boast. The profession with which you began of *All by the People* is lost in the wretched reality of *Nothing for the People*. Popular Sovereignty, in whose deceitful name plighted faith was broken and an ancient Landmark of Freedom overturned, now lifts itself before us like Sin in the terrible picture of Milton, which

> "seemed woman to the waist, and fair,
> But ended foul in many a scaly fold
> Voluminous and vast, a serpent armed
> With mortal sting; about her middle round
> A cry of hell-hounds never ceasing barked
> With wide Cerberean mouths full loud, and rung
> A hideous peal; yet, when they list, would creep,
> If aught disturbed their noise, into her womb,
> And kennel there, yet there still barked and howled
> Within, unseen."

The image is complete at all points; and with this exposure I take my leave of the Crime against Kansas.

The Dred Scott Decision, 1857

The case of Dred Scott *vs.* Sandford was taken to the United States Supreme Court on appeal, and on March 6, 1857, Chief-Justice Taney rendered the decision of the court. There were so many questions involved that, besides the judgment of the chief justice, each of the eight associate justices rendered a separate opinion. The following extracts from the opinions are from the text in "Reports of Cases Argued and Adjudged in the Supreme Court of the United States, December Term, 1856," Edited by Benjamin C. Howard. Washington, 1859; Vol. XIX., pp. 393–633. (See page 32.)

[*Opinion of the Court*]

. . . There are two leading questions presented by the record:

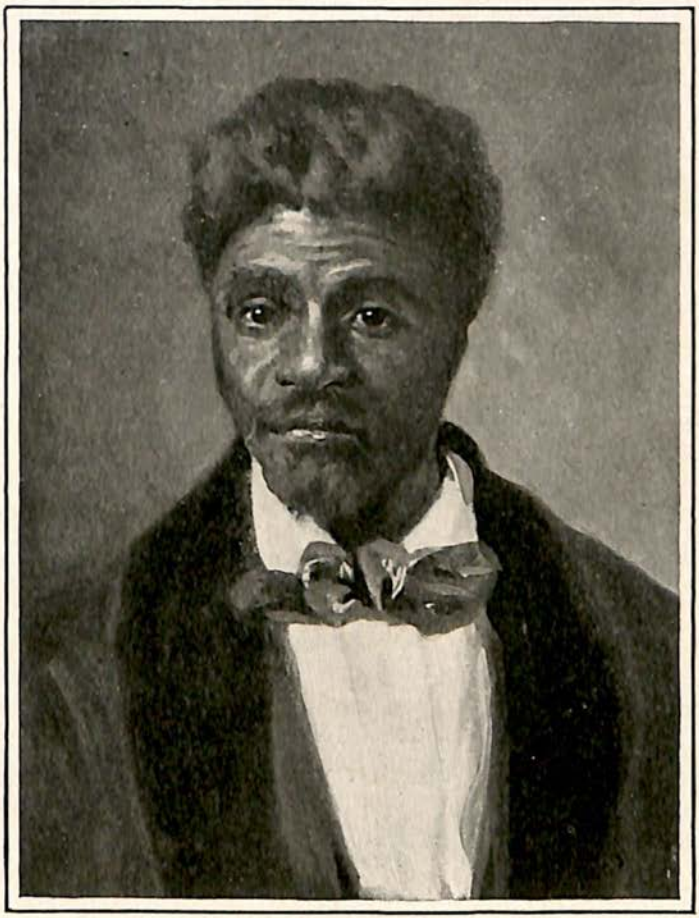
1. Had the Circuit Court of the United States jurisdiction to hear and determine the case between these parties? And,

2. If it had jurisdiction, is the judgment it has given erroneous or not?

The plaintiff in error, who was also the plaintiff in the court below, was, with his wife and children, held as slaves by the defendant, in the State of Missouri, and he brought this action in the Circuit Court of the United States for that district, to assert the title of himself and his family to freedom.

The declaration is in the form usually adopted in that

State to try questions of this description, and contains the averment necessary to give the court jurisdiction; that he and the defendant are citizens of different



DRED SCOTT
(From an oil painting owned by the Missouri Historical Society, St. Louis)

States; that is, that he is a citizen of Missouri, and the defendant a citizen of New York.

The defendant pleaded in abatement to the jurisdiction of the court, that the plaintiff was not a citizen of

the State of Missouri, as alleged in his declaration, being a negro of African descent, whose ancestors were of pure African blood, and who were brought into this country and sold as slaves.

To this plea the plaintiff demurred, and the defendant joined in demurrer. The court overruled the plea, and gave judgment that the defendant should answer over. And he therefore put in sundry pleas in bar, upon which issues were joined, and at the trial the verdict and judgment were in his favor. Whereupon the plaintiff brought this writ of error.

Before we speak of the pleas in bar, it will be proper to dispose of the questions which have arisen on the plea in abatement.

That plea denies the right of the plaintiff to sue in a court of the United States, for the reasons therein stated.

If the question raised by it is legally before us, and the court should be of opinion that the facts stated in it disqualify the plaintiff from becoming a citizen, in the sense in which that word is used in the Constitution of the United States, then the judgment of the Circuit Court is erroneous, and must be reversed.

It is suggested, however, that this plea is not before us; and that as the judgment in the court below on this plea was in favor of the plaintiff, he does not seek to reverse it, or bring it before the court for revision by his writ of error; and also that the defendant waived this defense by pleading over, and thereby admitted the jurisdiction of the court.

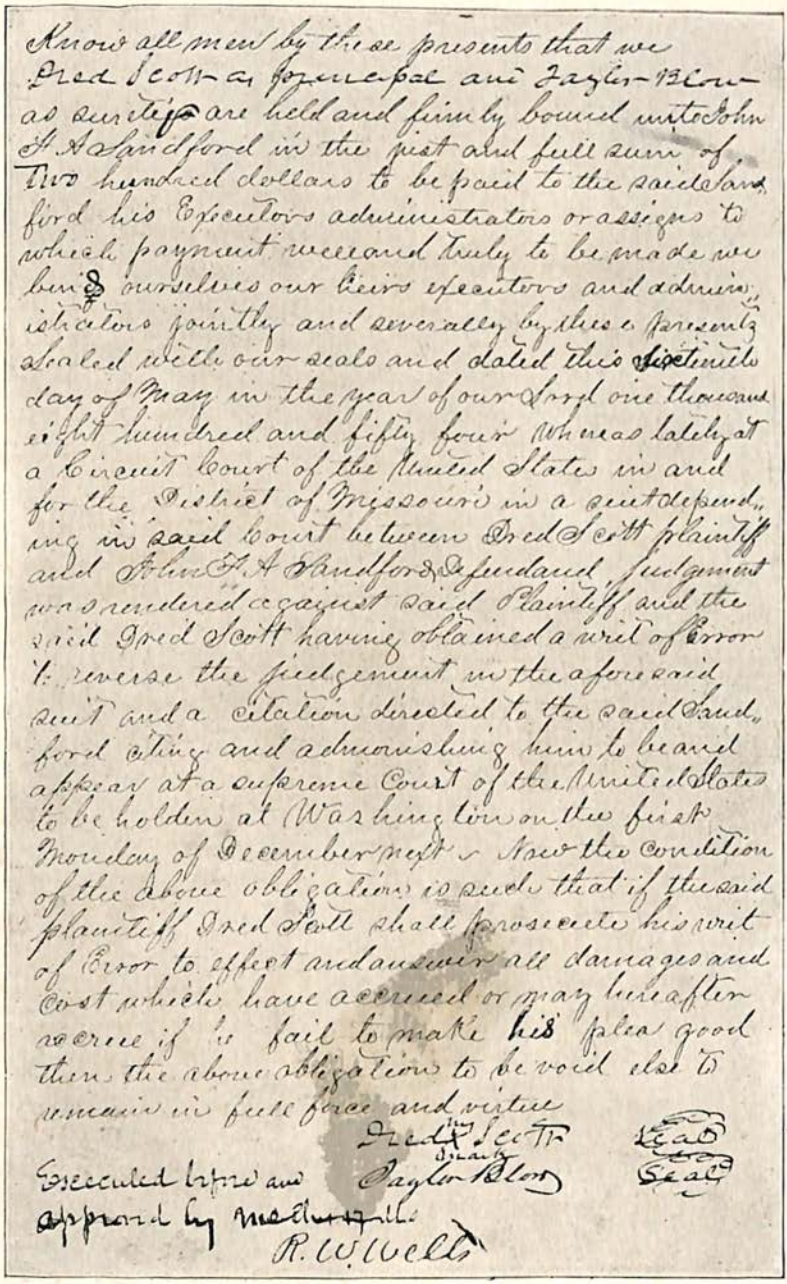
But in making this objection, we think the peculiar and limited jurisdiction of courts of the United States has not been adverted to. This peculiar and limited jurisdiction has made it necessary in these courts, to adopt different rules and principles of pleading, so far as jurisdiction is concerned, from those which regulate courts of common law in England and in the different States of the Union which have adopted the common law

rules. . . . This difference arises . . . from the peculiar character of the government of the United States. . . . In regulating the Judicial Department, the cases in which the courts of the United States shall have jurisdiction are particularly and specifically enumerated and defined; and they are not authorized to take cognizance of any case which does not come within the description therein specified. . . . The jurisdiction would not be presumed, as in the case of a common law, English, or State court, unless the contrary appeared. But the record, when it comes before the appellate court, must show, affirmatively, that the inferior court had authority, under the Constitution, to hear and determine the case. And if the plaintiff claims a right to sue in a circuit court of the United States, under that provision of the Constitution which gives jurisdiction in controversies between citizens of different States, he must distinctly aver in his pleading that they are citizens of different States; and he cannot maintain his suit without showing that fact in the pleadings. . . .

. . . In this case, the citizenship is averred, but it is denied by the defendant in the manner required by the rules of pleading, and the fact upon which the denial is based is admitted by the demurrer. And if the plea and demurrer, and judgment of the court below upon it, are before us upon this record, the question to be decided is, whether the facts stated in the plea are sufficient to show that the plaintiff is not entitled to sue as a citizen in a court of the United States. . . .

The question is simply this: can a negro, whose ancestors were imported into this country and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guarantied by that instrument to the citizen. . . .

The words "people of the United States" and "citi-



Know all men by these presents that we Dred Scott as principal and Taylor Blow as securityes are held and firmly bound unto John F. A Sandford in the just and full sum of Two hundred dollars to be paid to the said Sandford his Executors administrators or assigns to which payment well and truly to be made we bind ourselves our heirs executors and administrators jointly and severally by these presents sealed with our seals and dated this twentieth day of May in the year of our Lord one thousand eight hundred and fifty four Whereas lately at a Circuit Court of the United States in and for the District of Missouri in a suit depending in said Court between Dred Scott plaintiff and John F. A Sandford defendant judgment was rendered against said Plaintiff and the said Dred Scott having obtained a writ of Error to reverse the judgement in the aforesaid suit and a Citation directed to the said Sandford citing and admonishing him to be and appear at a supreme Court of the United States to be holden at Washington on the first Monday of December next Now the condition of the above obligation is such that if the said plaintiff Dred Scott shall prosecute his writ of Error to effect and answer all damages and Costs which have accrued or may hereafter accrue if he fail to make his plea good then the above obligations to be void else to remain in full force and virtue

Dred Scott (Seal)

Executed before and Taylor Blow (Seal)

approved by me

R. W. Wells

FACSIMILE OF ONE OF THE PAPERS IN THE DRED SCOTT CASE, SHOWING THAT SCOTT MADE HIS MARK, ALSO THAT TAYLOR BLOW WAS HIS BONDSMAN. TAYLOR BLOW WAS THE SON OF PETER BLOW, SCOTT'S OLD-TIME MASTER, AND THE PLAYMATE OF HIS CHILDHOOD IN VIRGINIA

zens" are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. They are what we familiarly call the "sovereign people," and every citizen is one of this people, and a constituent member of this sovereignty. The question before us is, whether the class of persons described in the plea in abatement compose a portion of this people, and are constituent members of this sovereignty? We think they are not, and that they are not included, and were not intended to be included, under the word "citizens" in the Constitution, and can, therefore, claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States. On the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them. . . .

In discussing this question, we must not confound the rights of citizenship which a State may confer within its own limits, and the rights of citizenship as a member of the Union. It does not by any means follow, because he has all the rights and privileges of a citizen of a State, that he must be a citizen of the United States. He may have all of the rights and privileges of a citizen of a State, and yet not be entitled to the rights and privileges of a citizen in any other State. For, previous to the adoption of the Constitution of the United States, every State had the undoubted right to confer on whomsoever it pleased the character of a citizen, and to endow him with all its rights. But this character, of course, was confined to the boundaries of the State, and gave

him no rights or privileges in other States beyond those secured to him by the laws of nations and the comity of States.

. . . It is very clear, therefore, that no State can, by any Act or law of its own, passed since the adoption of the Constitution, introduce a new member into the political community created by the Constitution of the United States. It cannot make him a member of this community by making him a member of its own. And for the same reason it cannot introduce any person, or description of persons, who were not intended to be embraced in this new political family, which the Constitution brought into existence, but were intended to be excluded from it.

The question then arises, whether the provisions of the Constitution, in relation to the personal rights and privileges to which the citizen of a State should be entitled, embraced the negro African race, at that time in this country, or who might afterwards be imported, who had then or should afterwards be made free in any State; and to put it in the power of a single State to make him a citizen of the United States, and endue him with the full rights of citizenship in every other State without their consent. Does the Constitution of the United States act upon him whenever he shall be made free under the laws of a State, and raised there to the rank of a citizen, and immediately clothe him with all the privileges of a citizen in every other State, and in its own courts?

The court think the affirmative of these propositions cannot be maintained. And if it cannot, the plaintiff in error could not be a citizen of the State of Missouri, within the meaning of the Constitution of the United States, and, consequently, was not entitled to sue in its courts. . . . In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither the

class of persons who had been imported as slaves, nor their descendants, whether they had become free or

JOHN F. A. SANDFORD

(He was the brother of Mrs. Emerson, to whom was transferred the nominal ownership of the Scott family after her marriage to Dr. Calvin C. Chaffee, a physician of Springfield, Massachusetts, and a member of Congress from that State, who was personally and politically opposed to slavery. The reproduction is from a painting owned by his daughter-in-law, Mrs. Louisa Berthold Sandford, of St. Louis, the widow of Benjamin Chouteau Sandford)

not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument. . . .

And upon a full and careful consideration of the subject, the court is of opinion that, upon the facts stated in the plea in abatement, Dred Scott was not a citizen of Missouri within the meaning of the Constitution of the United States, and not entitled as such to sue in its courts; and, consequently, that the Circuit Court had no jurisdiction of the case, and that the judgment on the plea in abatement is erroneous. . . .

But in considering the question before us, it must be borne in mind that there is no law of nations standing between the people of the United States and their government and interfering with their relation to each other. The powers of the government, and the rights of the citizen under it, are positive and practical regulations plainly written down. The people of the United States have delegated to it certain enumerated powers, and forbidden it to exercise others. It has no power over the person or property of a citizen but what the citizens of the United States have granted. And no laws or usages of other nations, or reasoning of statesmen or jurists upon the relations of master and slave, can enlarge the powers of the government, or take from the citizens the rights they have reserved. And if the Constitution recognizes the right of property of the master in a slave, and makes no distinction between that description of property and other property owned by a citizen, no tribunal, acting under the authority of the United States, whether it be legislative, executive, or judicial, has a right to draw such a distinction, or deny to it the benefit of the provisions and guarantees which have been provided for the protection of private property against the encroachments of the government.

Now, as we have already said in an earlier part of this opinion, upon a different point, the right of property in a slave is distinctly and expressly affirmed in the Constitution. The right to traffic in it, like an ordinary article of merchandise and property, was guarantied to the

citizens of the United States, in every State that might desire it, for twenty years. And the government in express terms is pledged to protect it in all future time, if the slave escapes from his owner. This is done in plain words—too plain to be misunderstood. And no word can be found in the Constitution which gives Congress a greater power over slave property, or which entitles property of that kind to less protection than property of any other description. The only power conferred is the power coupled with the duty of guarding and protecting the owner in his rights.

Upon these considerations, it is the opinion of the court that an Act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned, is not warranted by the Constitution, and is therefore void; and that neither Dred Scott himself, nor any of his family, were made free by being carried into this territory; even if they had been carried there by the owner, with the intention of becoming a permanent resident. . . .

. . . as Scott was a slave when taken into the State of Illinois by his owner, and was there held as such, and brought back in that character, his *status*, as free or slave, depended on the laws of Missouri, and not of Illinois.

It has, however, been urged in the argument, that by the laws of Missouri he was free on his return, and that this case, therefore, cannot be governed by the case of *Strader et al. v. Graham*, where it appeared, by the laws of Kentucky, that the plaintiffs continued to be slaves on their return from Ohio. But whatever doubts or opinions may, at one time, have been entertained upon this subject, we are satisfied, upon a careful examination of all the cases decided in the State courts of Missouri referred to, that it is now firmly settled by the decisions of the highest court in the State, that Scott and his

family upon their return were not free, but were, by the laws of Missouri, the property of the defendant; and that the Circuit Court of the United States had no jurisdiction, when, by the laws of the State, the plaintiff was a slave, and not a citizen. . . .

Upon the whole, therefore, it is the judgment of this court, that it appears by the record before us that the plaintiff in error is not a citizen of Missouri, in the sense in which that word is used in the Constitution; and that the Circuit Court of the United States, for that reason, had no jurisdiction in the case, and could give no judgment in it.

Its judgment for the defendant must, consequently, be reversed, and a mandate issued directing the suit to be dismissed for want of jurisdiction.

(Justice Wayne concurred in the opinion of the court; Justice Nelson dissented, holding that the judgment of the court below should be affirmed; Justice Curtis dissented, holding that the judgment of the Circuit Court should be reversed and the case remanded for a new trial; Justice Grier agreed with Justice Nelson; Justices Daniel, Campbell, and Catron concurred in a part of the court's opinion, but dissented on several law points; and Justice McLean dissented from the court's opinion and concurred in the view of Justice Curtis.)

John Brown at Harper's Ferry, 1859

There is much evidence in his own handwriting that Brown had spent many years in developing his plan for freeing the slaves. He outlined it to his brother Frederick in 1834, to Frederick Douglass in 1847, and to F. B. Sanborn, Theodore Parker, and Richard Realf in 1858, and in the latter year it also appeared in his "Words of Advice" to the League of Gileadites. The following extracts, summarized from his own voluminous writings, are collected in the "Old South Leaflet," No. 84, pp. 4–6, 11–12, 16–17, 28. (See page 41.)

The Plan as Outlined to Realf

John Brown stated that for twenty or thirty years the idea had possessed him like a passion of giving liberty to the slaves; that he made a journey to England, during which he made a tour upon the European continent, inspecting all fortifications, and especially all earthwork forts which he could find, with a view of applying the knowledge thus gained, with modifications and inventions of his own, to a mountain warfare in the United States. He stated that he had read all the books upon insurrectionary warfare that he could lay his hands on: the Roman warfare, the successful opposition of the Spanish chieftains during the period when Spain was a Roman province,—how with ten thousand men, divided and subdivided into small companies, acting simultaneously yet separately, they withstood the whole consolidated

power of the Roman Empire through a number of years. In addition to this, he had become very familiar with the successful warfare waged by Schamyl, the Circassian chief, against the Russians; he had posted himself in relation to the war of Toussaint L'Ouverture; he had become thoroughly acquainted with the wars in Hayti and the islands round about; and from all these things he had drawn the conclusion,—believing, as he stated there he did believe, and as we all (if I may judge from myself) believed,—that upon the first intimation of a plan formed for the liberation of the slaves, they would immediately rise all over the Southern States. He supposed that they would come into the mountains to join him, where he purposed to work, and that by flocking to his standard they would enable him (making the line of mountains which cuts diagonally through Maryland and Virginia, down through the Southern States into Tennessee and Alabama, the base of his operations) to act upon the plantations on the plains lying on each side of that range of mountains; that we should be able to establish ourselves in the fastnesses. And if

JOHN BROWN IN 1857

any hostile action were taken against us, either by the militia of the States or by the armies of the United States, we purposed to defeat first the militia, and next, if possible, the troops of the United States; and then organize the free blacks under the provisional constitution, which would carve out for the locality of its jurisdiction all that mountainous region in which the blacks were to be established, in which they were to be taught the useful and mechanical arts, and all the business of life. Schools were also to be established, and so on. The negroes were to be his soldiers.

Preamble to His Constitution for Freed Slaves

Whereas slavery, throughout its entire existence in the United States, is none other than a most barbarous, unprovoked, and unjustifiable war of one portion of its citizens upon another portion—the only conditions of which are perpetual imprisonment and hopeless servitude or absolute extermination—in utter disregard and violation of those eternal and self-evident truths set forth in our Declaration of Independence:

Therefore, we, citizens of the United States, and the oppressed people who by a recent decision of the Supreme Court are declared to have no rights which the white man is bound to respect, together with all other people degraded by the laws thereof, do, for the time being, ordain and establish for ourselves the following Provisional Constitution and Ordinances, the better to protect our persons, property, lives, and liberties, and to govern our actions:

His Advice to the Gileadites

Nothing so charms the American people as personal bravery. Witness the case of Cinques, of everlasting memory, on board the "Amistad." The trial for life

of one bold and to some extent successful man, for defending his rights in good earnest, would arouse more sympathy throughout the nation than the accumulated wrongs and sufferings of more than three million of our submissive colored population. We need not mention the Greeks struggling against the oppressive Turks, the Poles against Russia, nor the Hungarians against Austria and Russia combined, to prove this. *No jury can be found in the Northern States that would convict a man for defending his rights to the last extremity. This is well understood by Southern Congressmen, who insisted that the right of trial by jury should not be granted to the fugitives.* Colored people have ten times the number of fast friends among the whites than they suppose, and would have ten times the number they now have were they but half as much in earnest to secure their dearest rights as they

LAWSON BOTTS, WHO DEFENDED JOHN BROWN

are to ape the follies and extravagances of their white neighbors, and to indulge in idle show, in ease, and in luxury. Just think of the money expended by individuals in your behalf in the past twenty years! Think of the number who have been mobbed and imprisoned on your account! Have any of you seen the Branded Hand? Do you remember the names of Lovejoy and Torrey?

JUDGE RICHARD PARKER, WHO PRESIDED AT THE TRIAL OF JOHN BROWN

Should one of your number be arrested, you must collect together as quickly as possible, so as to outnumber your adversaries who are taking an active part against you. Let no able-bodied man appear on the ground unequipped, or with his weapons exposed to view: let that be understood beforehand. Your plans must be known only to yourself, and with the understanding that all traitors must die, wherever caught and proven to be guilty. "Whosoever is fearful or afraid, let him return and depart early from Mount Gilead" (Judges ii. 3; Deut. xx. 8). Give all cowards an opportunity to

show it on condition of holding their peace. *Do not delay one moment after you are ready: you will lose all your resolution if you do. Let the first blow be the signal for all to engage; and when engaged do not do your work by halves, but make clean work with your enemies,—and be sure you meddle not with any others.* By going about your business quietly, you will get the job disposed of before the number that an uproar would bring together can collect; and you will have the advantage of those who come out against you, for they will be wholly unprepared with either equipments or matured plans; all with them will be confusion and terror. Your enemies will be slow to attack you after you have done up the work nicely; and if they should, they will have to encounter your white friends as well as you; for you may safely calculate on a division of the whites, and may by that means get to an honorable parley.

Be firm, determined, and cool; but let it be understood that you are not to be driven to desperation without making it an awful dear job to others as well as to you. Give them to know distinctly that those who live in wooden houses should not throw fire, and that you are just as able to suffer as your white neighbors. *After effecting a rescue, if you are assailed, go into the houses of your most prominent and influential white friends with your wives; and that will effectually fasten upon them the suspicion of being connected with you, and will compel them to make a common cause with you, whether they would otherwise live up to their profession or not. This would leave them no choice in the matter.* Some would doubtless prove themselves true of their own choice; others would flinch. That would be taking them at their own words. You may make a tumult in the court-room where a trial is going on, by burning gunpowder freely in paper packages, if you cannot think of any better way to create a momentary alarm, and might possibly give one or more of your enemies a hoist. But in such case the

prisoner will need to take the hint at once, and bestir himself; and so should his friends improve the opportunity for a general rush.

A lasso might possibly be applied to a slave-catcher for once with good effect. Hold on to your weapons,

ANDREW HUNTER, PROSECUTOR IN JOHN BROWN'S TRIAL

and never be persuaded to leave them, part with them, or have them far away from you. *Stand by one another and by your friends, while a drop of blood remains; and be hanged, if you must, but tell no tales out of school. Make no confession.*

Union is strength. Without some well-digested arrangements nothing to any good purpose is likely to be done, let the demand be never so great. Witness the

case of Hamlet and Long in New York, when there was no well-defined plan of operations or suitable preparation beforehand.

The desired end may be effectually secured by the means proposed; namely, the enjoyment of our inalienable rights.

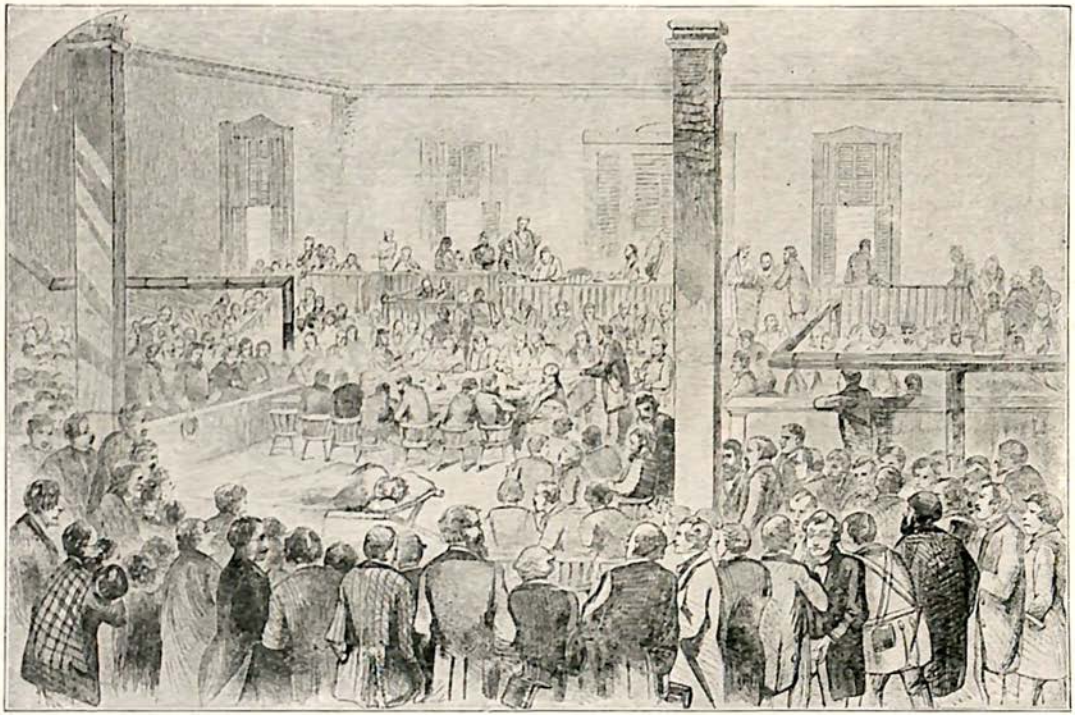
His Last Speech to the Court

I have, may it please the Court, a few words to say.

In the first place, I deny everything but what I have all along admitted,—the design on my part to free the slaves. I intended certainly to have made a clean thing of that matter, as I did last winter, when I went into Missouri and there took slaves without the snapping of a gun on either side, moved them through the country, and finally left them in Canada. I designed to have done the same thing again, on a larger scale. That was all I intended. I never did intend murder, or treason, or the destruction of property, or to excite or incite slaves to rebellion, or to make insurrection.

I have another objection; and that is, it is unjust that I should suffer such a penalty. Had I interfered in the manner which I admit, and which I admit has been fairly proved (for I admire the truthfulness and candor of the greater portion of the witnesses who have testified in this case),—had I so interfered in behalf of the rich, the powerful, the intelligent, the so-called great, or in behalf of any of their friends,—either father, mother, brother, sister, wife, or children, or any of that class,—and suffered and sacrificed what I have in this interference, it would have been all right; and every man in this court would have deemed it an act worthy of reward rather than punishment.

This court acknowledges, as I suppose, the validity of the law of God. I see a book kissed here which I suppose to be the Bible, or at least the New Testament. That teaches me that all things whatsoever I would that men should do to me, I should do even so to them. It teaches



TRIAL OF JOHN BROWN, CHARLESTOWN, VIRGINIA

(From a sketch made in the court-room by Porte Crayon; published in *Harper's Weekly*, November, 1859)

me, further, to "remember them that are in bonds, as bound with them." I endeavored to act up to that instruction. I say, I am yet too young to understand that God is any respecter of persons. I believe that to have interfered as I have done—as I have always freely admitted I have done—in behalf of His despised poor, was not wrong, but right. Now, if it is deemed necessary that I should forfeit my life for the furtherance of the ends of justice, and mingle my blood further with the blood of my children and with the blood of millions in this slave country whose rights are disregarded by wicked, cruel, and unjust enactments,—I submit; so let it be done! . . .

JOHN AVIS, JAILER OF JOHN BROWN

His Prophetic Farewell

(Handed to a guard on the morning of his execution)

Charlestown, Va., *Dec. 2, 1859.*

I, John Brown, am now quite *certain* that the crimes of this *guilty land* will never be purged away but with *blood.* I had, as I now think vainly, flattered myself that without very much bloodshed it might be done.

South Carolina Ordinance of Secession, 1860

This ordinance, passed at a convention sitting in Charleston on December 20, 1860, was the first pronounced act in the separation from the Union of the States that formed the Confederate States of America. Text from "War of the Rebellion, Official Records," Series I., Vol. I., p. 110. (See page 56.)

An Ordinance to dissolve the Union between the State of South Carolina and other States united with her under the compact entitled "The Constitution of the United States of America."

We, the people of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by us in Convention on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States was ratified, and also all acts and parts of acts of the General Assembly of the State ratifying amendments of the said Constitution, are hereby repealed, and the Union now subsisting between South Carolina and other States, under the name of "The United States of America," is hereby dissolved.

Lincoln's First Inaugural Address, 1861

Full text of the inaugural address of March 4, 1861, from "Messages and Papers of the Presidents," Vol. VI., pp. 5–14, edited by J. D. Richardson. Washington: Government Printing Office, 1897. (See page 45.)

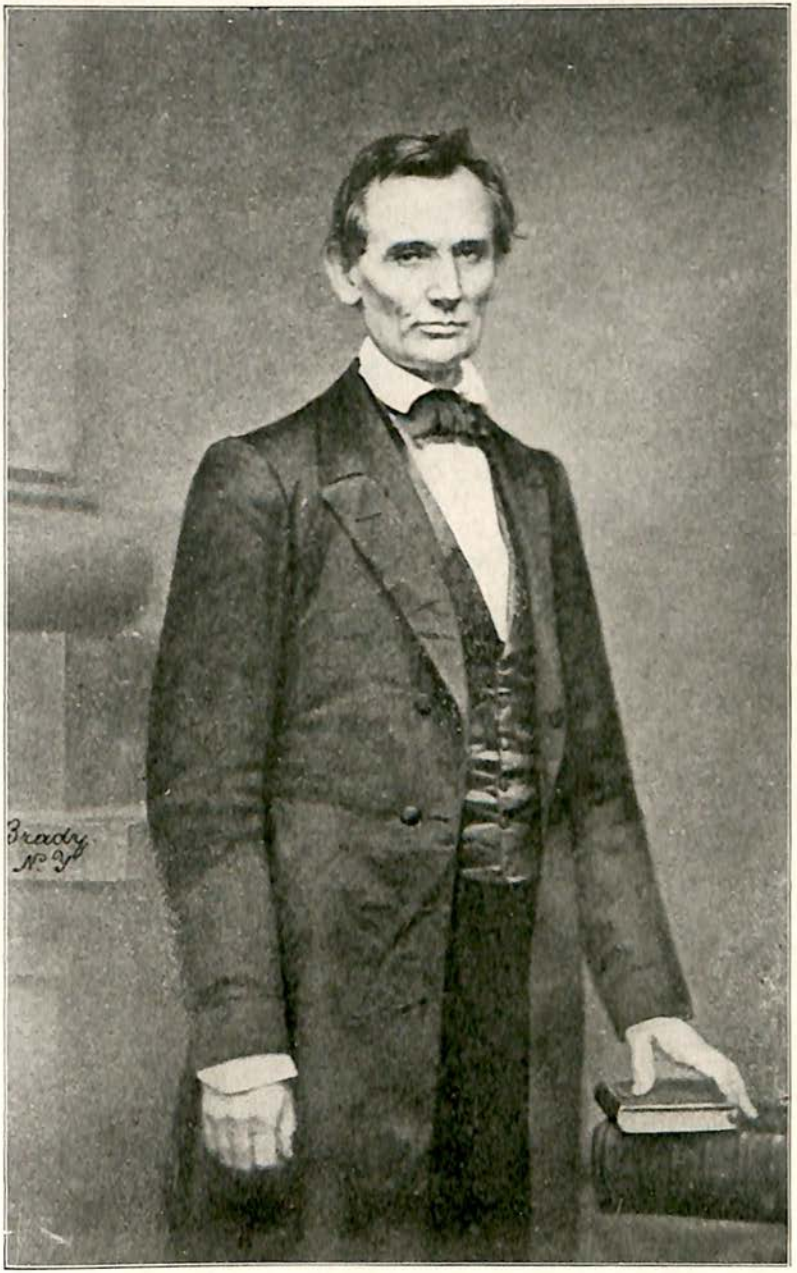
Fellow-citizens of the United States:

In compliance with a custom as old as the government itself, I appear before you to address you briefly, and to take in your presence the oath prescribed by the Constitution of the United States to be taken by the President "before he enters on the execution of his office."

I do not consider it necessary at present for me to discuss those matters of administration about which there is no special anxiety or excitement.

Apprehension seems to exist among the people of the Southern States that, by the accession of a Republican administration, their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches when I declare that

> I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.



ABRAHAM LINCOLN

(From the original Brady negative now in the collection of Frederick H. Meserve, New York City. This is the famous Cooper Institute photograph taken February 27, 1860, the first photograph of Lincoln made by Brady)

Those who nominated and elected me did so with full knowledge that I had made this and many similar declarations, and had never recanted them And more than this, they placed in the platform for my acceptance, and as a law to themselves and me, the clear and emphatic resolution which I now read:

Resolved, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to the balance of power on which the perfection and endurance of our political fabric depend, and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes.

I now reiterate these sentiments, and, in doing so, I only press upon the public attention the most exclusive evidence of which the case is susceptible, that the property, peace, and security of no section are to be in any wise endangered by the new incoming administration. I add, too, that all the protection which, consistently with the Constitution and the laws, can be given will be cheerfully given to all the States, when lawfully demanded, for whatever cause—as cheerfully to one section as to another.

There is much controversy about the delivering up of fugitives from service or labor. The clause I now read is as plainly written in the Constitution as any other of its provisions:

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

It is scarcely questioned that this provision was intended by those who made it for the reclaiming of what we call fugitive slaves; and the intention of the lawgiver

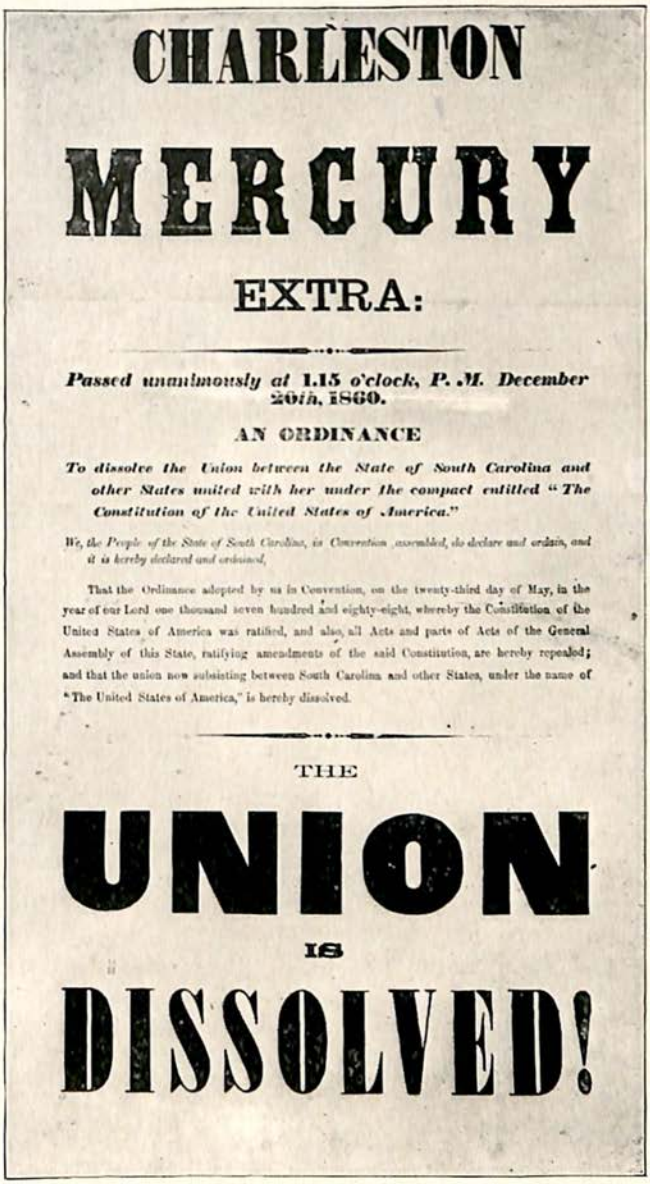
is the law. All members of Congress swear their support to the whole Constitution—to this provision as much as any other. To the proposition, then, that slaves, whose cases come within the terms of this clause, "shall be delivered up," their oaths are unanimous. Now, if they would make the effort in good temper, could they not, with nearly equal unanimity, frame and pass a law by means of which to keep good that unanimous oath?

There is some difference of opinion whether this clause should be enforced by national or by State authority; but surely that difference is not a very material one. If the slave is to be surrendered, it can be of but little consequence to him, or to others, by which authority it is done. And should any one, in any case, be content that his oath shall go unkept, on a mere unsubstantial controversy as to how it shall be kept?

Again, in any law upon the subject, ought not all the safeguards of liberty known in civilized and human jurisprudence to be introduced, so that a free man be not, in any case, surrendered as a slave? And might it not be well, at the same time, to provide by law for the enforcement of that clause in the Constitution which guarantees that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States"?

I shall take the official oath to-day with no mental reservation, and with no purpose to construe the Constitution or laws by any hypercritical rule. And while I do not choose now to specify particular acts of Congress as proper to be enforced, I do suggest that it will be much safer for all, both in official and private stations, to conform to and abide by all those acts which stand unrepealed than to violate any of them, trusting to find immunity in having them held to be unconstitutional.

It is seventy-two years since the first inauguration



CHARLESTON

MERCURY

EXTRA:

Passed unanimously at 1.15 o'clock, P. M. December 20th, 1860.

AN ORDINANCE

To dissolve the Union between the State of South Carolina and other States united with her under the compact entitled "The Constitution of the United States of America."

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

That the Ordinance adopted by us in Convention, on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and also, all Acts and parts of Acts of the General Assembly of this State, ratifying amendments of the said Constitution, are hereby repealed; and that the union now subsisting between South Carolina and other States, under the name of "The United States of America," is hereby dissolved.

THE

UNION

IS

DISSOLVED!

CHARLESTON, SOUTH CAROLINA, "MERCURY" EXTRA: "THE UNION IS DISSOLVED!"

(From an original in the New York Public Library)

of a President under our national Constitution. During that period fifteen different and greatly distinguished citizens have, in succession, administered the executive branch of the government. They have conducted it through many perils, and generally with great success. Yet, with all this scope for precedent, I now enter upon the same task for the brief constitutional term of four years under great and peculiar difficulty. A disruption of the federal Union, heretofore only mentioned, is now formidably attempted.

I hold that, in contemplation of universal law and of the Constitution, the union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our national government, and the Union will endure forever—it being impossible to destroy it except by some action not provided for in the instrument itself.

Again, if the United States be not a government proper, but an association of States in the nature of contract merely, can it, as a contract, be peaceably unmade by less than all the parties who made it? One party to a contract may violate it—break it, so to speak; but does it not require all to lawfully rescind it?

Descending from these general principles, we find the proposition that, in legal contemplation, the Union is perpetually confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed, in fact, by the articles of association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the articles of confederation in 1778. And, finally, in 1787, one of the declared objects for ordaining

OLD LINCOLN

AND HIS FELLOWS,

IS THE

Abolitionist's Government!

"What a precious set!"

"If the Administration is the Government, why didn't it die with General Harrison or General Taylor?

"We suppose the Government was cut with a razor the other day, when Seward wounded his hand.

"If Lincoln should take the diarrhœa, the Government would have to swallow burnt brandy, or some other astringent to regulate its bowels.

"If Lincoln should get the rheumatism, the Government would have to go on crutches.

"When Chase takes snuff, the Government has to sneeze.

"When Welles gave his fat contract to Morgan, it was a brother-in-law of the Government to whom he extended the favor.

"There is a rumor that the Government drinks tea out of a bottle. We don t believe the rumor, so far as it relates to tea.

"The Government, by skillful and successful strategy, arrived unexpectedly in Washington, dressed in a beautiful Scotch plaid.

"The Government was once heard to say that it had not studied the tariff yet, but intended to do so when it had leisure.

"The Government is about six feet high, has large, lank jaws, and used to maul rails when it was young.

"When Halleck hit Stanton the Government got a black eye."

FACSIMILE OF A SOUTHERN BROADSIDE ISSUED IN 1861

(From an original in the New York Public Library)

and establishing the Constitution was "to form a more perfect Union."

But if destruction of the Union, by one, or by a part only, of the States be lawfully possible, the Union is less perfect than before, the Constitution having lost the vital element of perpetuity.

It follows from these views that no State, upon its own mere motion, can lawfully get out of the Union; that resolves and ordinances to that effect are legally void; and that acts of violence within any State or States, against the authority of the United States, are insurrectionary, or revolutionary, according to circumstances.

I, therefore, consider that, in view of the Constitution and the laws, the Union is unbroken, and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States. Doing this I deem to be only a simple duty on my part; and I shall perform it, so far as practicable, unless my rightful masters, the American people, shall withhold the requisite means, or, in some authoritative manner, direct the contrary; I trust this will not be regarded as a menace, but only as the direct purpose of the Union that it will constitutionally defend and maintain itself.

In doing this there need be no bloodshed or violence; and there shall be none, unless it be forced upon the national authority. The power confided to me will be used to hold, occupy, and possess the property and places belonging to the government, and to collect the duties and imposts; but beyond what be necessary for these objects, there will be no invasion, no using of force against or among the people anywhere. Where hostility to the United States in any interior locality shall be so great and universal as to prevent competent resident citizens from holding the federal offices, there will be no attempt to force obnoxious strangers among the peo-

EPITAPH ON THE UNITED STATES OF AMERICA.

HERE LIE THE MUTILATED AND DISJOINTED

REMAINS

OF THE

Noblest Form of Government

Ever conceived by the wisdom of man, or blessed by the smiles of Heaven, for promoting the greatest good of the greatest number of the people of the human race.

The United States of America

BORN ON THE

FOURTH OE JULY, 1776,

Unheard into the world amidst the rejoicings of millions of men in both hemispheres, the raising of cannon, bonfires, illuminations, and every other demonstration of public and national joy!

THIS YOUNG REPUBLIC,

The pass and admiration of the world, after encountering stupendous difficulties through

LONG AND BLOODY WAR,

Waged with the most powerful nations of the earth, in support of its newly declared independence, finally by the blessing of God, and under the leadership of the noblest man that ever lived in the tide of time,

GLORIOUSLY TRIUMPHED,

And on the 17th, of September, 1787, with a view to the formation of a

MORE PERFECT UNION,

Established and proclaimed a written instrument of government, which, for comprehensive and accurate knowledge of man's nature, universal views of the duties and obligations of men associated in civil society, wise and beneficent provisions designed to establish freedom, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity! as well as by its admirable system of checks and balances, and the rare wisdom with which it weighs and reconciles conflicting opinions and prejudices, by the most enlightened national consension and forbearance, has never been surpassed, if equalled, by any of the most illustrious productions of ancient or modern times. This great work was denominated

The Constitution of the United States!

Under the up-raising of the celebrated instrument of government, wisely administered by a succession of statesmen, some of whom will live in the annals of time, beginning with him who was first in peace as in war, as always in the hearts of his countrymen, the

UNITED STATES OF AMERICA

In the short period of Time of now, accomplished a career of prosperity and renown to which nothing in the ancient opposition can compare. Not has anything ever been witnessed in the course of the most celebrated empires and kingdoms, to

YOUNG REPUBLIC

Might not have attained, and to which indeed it was steadily ascending, by the unanswerable and far-seeing judgements of enlightened and magnanimous men in all parts of the world. Emerging from a state of colonial dependence, to rapidly developed, from a Confederacy of thirteen independent States States, to an imposing Confederated Assemblage of

THIRTY-THREE, SEPARATE AND INDEPENDENT SOVEREIGNTIES, FIVE TERRITORIES, AND A SEPARATE DISTRICT.

The Residence of the Federal Government, and subject to Federal rule, In Population, which at the time of the Ds. 4 of 76 Birth, scarcely exceeded

THREE MILLIONS,

In the year 1860 reached, if not exceeded the astonishing increase of

THIRTY MILLIONS,

In Commerce and Navigation surprised and crowned a list and description of arts of its own growth, produce and manufacture, and of that of all other parts of the world, which, by its astronomical results and the universal employment it afforded, enriched and rendered happy the homes of all these millions of people with

EVERY COMFORT AND LUXURY OF LIFE

Its Internal Trade was scarce of boundless wealth. Its Agriculture and Manufactures assumed a point of the highest prosperity. Its resources of every kind and description were unbounded. Its Revenues from domestic and foreign sources exceeded the wants of the nation. At one time it was out of debt

ITS TERRITORY

Was washed by two ocean, and its area reached nearly so than of all Europe combined

ITS FLAG,

Glittering with Stars and Stripe, which had flaited up the land and the ocean to the splendor of thirty-three, floated in triumph in every sea and on hostile shore. It enjoyed the universal respect, and achieved the admiration of the world.

Its Ambassadors to other nations were every where received with the most flattering marks of Consideration.

The Representatives of Eastern Potentates, who for ages had declined all intercourse with the rest of the world, came to its shores, to exchange in person, at its Seat of Government.

The Ratification of a Treaty of Amity

With the United States, and hasted the head in token of respectful salutation to the

CHIEF MAGISTRATE OF THE REPUBLIC.

And the descendant of a long line of kings, the youthful Heir Apparent of the proudest Monarchy on earth, surrounded by the representatives of a gorgeous and powerful aristocracy stood UNCOVERED, side by side, with the mere United Magistrate, as

The Tomb of Washington

IN SILENT HOMAGE

Set the Mom of History tower as she records the sorely downfall of this Republic, and with it the extinction of so glorious a fabric of human government

On the 6th of November, 1860,

A day memorable in the annals of mankind, a degree was pronounced by the people of United States, now in their seventeen capacity, in terrible expression of which, all hearts had been anxiously throbbing for months, with alternate emotions, which send the tears of patriots and the executions of a different description of men, finally

Dissolved the Bands of the Confederacy,

And left the honored remains upon the bank and shoal of Time, the apes of the whirlwind and the storm. Thus

THE UNITED STATES OF AMERICA

Perished in the eighty-fifth year of its existence, and in little more than seventy-three years from the adoption of its

FEDERAL CONSTITUTION.

It may be instructive to inquire into, and may serve as a beacon light to those who are to live hereafter, to mention the cause of the causes which proceeded, and finally accomplished the

GREAT CATASTROPHE.

It would be renowned the frailties of this inscription, to pretend to anything like a minute recapitulation of even the head of those but a brief Notice may be attempted.

It may be sufficient to state that the Abolitionists people were the AUTHORS OF THEIR OWN DESTRUCTION;

Through they inherit the blood of a

FREE WHITE RACE.

Though their Government was designed, established and proclaimed, under the most solemn sanctions, as exclusively a

GOVERNMENT OF WHITE MEN;

Though six of the non-slaveholding States, to wit; New Hampshire, Massachusetts, Connecticut, New York New Jersey and Pennsylvania, united with ten slaveholding States, to wit; Delaware, Maryland, Virginia, North and South Carolina and Georgia, in giving in by their Representatives in the Convention their "UNANIMOUS CONSENT" as the Constitution which was the work of that Convention; Through that solemn Instrument declared, among other wise provisions as follows-

"The citizens of each State shall be entitled to all the privileges and Immunities of citizens in the several States."—Art. 4, Sec. 2.

And again; "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due;"—Art. 3, Sec 3.

And again; "This Constitution shall be the Supreme Law of the Land"—Art. 6, Sec. 2.

And again- "The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound by Oath or Affirmation to support this constitution"—Art. 6, Sec 3.

Notwithstanding these sole provisions for the formation of "more perfect union," for the establishment of justice, for "ensuring domestic tranquility" and "promoting the general welfare,"

AMBITIOUS AND UNPRINCIPLED LEADERS.

In some of the Northern or non-slaveholding States, became Traitors to the Constitution, to their own consciences, and to the Country; made war upon their own fellow citizens of the Southern or slaveholding States, which, under the provisions of that solemn Compact, they had left by birth, there

VIOLATED THE COMPACT

Urged on dangerous Fanatics in their States, formed and organized invasions of their fell and Sovereignty; violated the provisions of the Fugitive Slave Law; forgot that they were bound by Oath or Affirmation to support the Constitution; and were endeavored to deprive the people of the Southern or slaveholding States, by refusing to them an equal enjoyment of the

Territories of the Union,

Acquired by the common blood and common treasure of all. This series of outrages, this wrong and insults continued for a succession of years, each in violation of the plainest principles of

COMMON COMPACT.

To which the common members of all, both North and South, had given their deliberate and solemn "unanimous consent," by their Representatives in Convention assembled, was mutely responded. No pretence was made that the Southern or slaveholding States had ever sought in any way to interfere with the domestic concerns of the Northern, or non-slaveholding States, or force upon them their separate institutions; above all, deny to them any Constitutional right, in an attempt at invasion of their soil or sovereignty; no denial to them of a common right to the Territories of the Union, common from the South, nor was the latter ever charged with the infraction of

CONSTITUTIONAL DUTY.

The one great end sought for, at bottom, to be accomplished by

LONG, DARK CATALOGUE OF WRONGS,

On the part of the Northern or non-slaveholding States, against their partner, high-spirited, but unflinching brothers, of the South, who so largely helped to found the Republic, and

Domestic Institutions of the South,

and then to

Elevate the Negro Race to an Equality

with the

Free White Inhabitance of the Country.

Thus introducing practical amalgamation, he said, it may be, after years, by inter-marriage, and all other social ties, between two races, never designed by Providence to live together.

Thus the people who entertained these fanatical and treasonable designs, were for the purpose of "forming a more perfect union," to come from the banks of the Potomac, and making it equally, a

GOVERNMENT OF BLACK MEN,

Doubtless there were among them many honest and misguided citizens, who never seriously reflected upon the consequences of their acts, their speculations were visionary, and who would have revolted with horror from the abyss down which they were almost in plunge headlong, and which we ourselves but

A fanatical and controlling phrensy known as

THE IRREPRESSIBLE CONFLICT,

WHICH THREATENED AT STAKE, TO THE

CONSTITUTION OF THE UNITED STATES,

And call be so handed down to all future time, by the treachery of a few,

Against the monstrous doctrine and malignant designs of this party, the members of the following States, composing the

Fifteen Distinct Independent Sovereignties

Embracing an ensemble of high intelligence, finished education and accomplishment, lofty spirit, and devoted patriotism,

The Heroic Democratic Party of the North.

composed of men of the revolution and spirit, and educated and accustomed to the habits of command and victory, war-fare, and on the above named day

The 6th November 1860.

The contest was decided by the triumph of these doctrines and designs, and the consequent

Dismemberment of the Confederacy

If the most sublime exhibition that it was ever witness, the most solemn and affectionate and eloquent warnings of patriots and statesmen, could have averted this greatest calamity in the history of the world, it would never have happened.

THIS TABLET

Would but imperfectly transmit the history of this great event if a few, at least, of those immortalizing words of counsel from some among a host of illustrious citizens of the

GREAT CONFEDERACY OF SOVEREIGN STATES,

To their countrymen, on various memorable occasions, were not here preserved.

WASHINGTON.

The illustrious founder of the republic, in his Farewell Address to his Fellow Citizens - pronounced by a British historian to have been unequaled by any compositions of unimpaired wisdom with all the earnestness of a patriot and a sage, and with "the disinterested warning of a parting friend," impressed upon his countrymen his most solemn hopes for the

INVIOLABLE PRESERVATION OF THE CONSTITUTION

His word were,

"That the Free Constitution, which is the work of your hands, may be sacredly maintained."

He also entreated his fellow citizens to consider the

IMMENSE VALUE OF THEIR NATIONAL UNION

And to manifest their attachment to it by "indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or enfeeble the sacred ties which now link together the various parts."

JACKSON,

The second warrior, statesman and born president, in a single sentence which has become classic, as well by its force as the fire of patriotism, has enshrined his devotion in the same glorious image. His first and memorable toast was, "The Union—it must and shall be preserved." Of

ADAMS,

His great competitor, it was said by one supreme authority (Edward Everett), that no public man had "A deeper sense of the blessing power of the constitution and the law

CLAY,

The noble, the chivalrous, the lion-hearted Clay, in one of the most thrilling of his eloquent speeches in the Senate of the United States, in 1850, exclaimed: "I AM AN AMERICAN. I KNOW NO OTHER COUNTRY. I HAVE NO OTHER HOME. I KNOW NO OTHER COUNTRY BUT THE UNITED STATES. I AM PROUD OF IT. I AM ATTACHED TO IT BY ALL THE ASSOCIATIONS AND RECOLLECTIONS OF MY LIFE, AND I WISH TO LIVE AND DIE HERE."

WEBSTER,

Then whom no greater statesman or poet-orator ever adorned the annals of his Country, spoke as follows in the Senate of the United States, in his celebrated reply to Mr. Hayne:

"While the Union lasts we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that in my day, at least, that curtain may not rise. God grant that on my violent never may be open what lies behind. When my eyes shall be turned to behold for the last time the sun in heaven, may I not see it shining on the broken and disfigured fragments of a once glorious union; on states dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and stripes streaming in their original luster; not a star obscured, not a single star obscured—bearing for its motto no such miserable interrogatory as, What is it she can do for me? Or those other words of delusion and folly—Liberty first and Union afterward—but every where, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind over the whole heavens, that other sentiment dear to every true American heart.

Liberty and Union Now and Forever, one and inseparable.

And again, in the citizens of Philadelphia, in 1846, thus spoke the GREAT FOR EMPIRE STATE:

"I cannot help thinking that what Pennsylvania is, and that greater which Pennsylvania is to be, is, and will be, mainly owing to

THE CONSTITUTIONAL GOVERNMENT

Under which we live. I believe that no human contrivance, on such a subject, so human ability exerted for such an end, has ever produced effects of more distinct character, or more for many millions of people the prospect, through such a succession of ages and ages, of so much happiness as

The Constitution of the United States!

This Constitution, lately expounded and justly interpreted in

THE BOND OF OUR UNION.

Those who opposed were all bound in honor and justice to follow the example of

PATRICK HENRY,

Who himself opposed it, but who, when it had been adopted, took it in the fullness of his spirit for his guide in following on such a subject, as human ability exerted for such an end, has ever produced effects of more distinct character, or more for many millions of people the prospect, through such a succession of ages and ages, of so much happiness as

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As a Congressional Delegate of the Republic of the United States, on the 22nd of February, 1833, in honor of

WASHINGTON'S BIRTH DAY.

Commodore STOCKTON, a Senator from New Jersey, President of the day, said:

"The American people will be true to their country and to its Constitution so long as they see with the eyes of Washington. Through all time the virtue of our people will be gauged by the intensity of their veneration for the precepts of wisdom.

"Let forbearance and conciliation towards all the DIFFERENT SECTIONS OF OUR DIVERSIFIED distinguish our councils."

Mr. CARTWRIGHT, of Kentucky, said in the same session,

"What a Legacy! We rejoice in riches no nation ever knew before. What are the mines of California, with their perishing gold, to this?" (the Farewell Address of Washington.) Allow me to allude to the two subjects upon which he has been peculiarly conspicuous in the advice. The one is, to preserve

THE UNION OF THESE STATES

These sentiments and a great many more have been joined as the censure by patriotic citizens from all parts of the republic, distinguished by eminent services, have received with silence from enlivening hands, amongst which the inspiring air of

Hail Columbia, and The Star Spangled Banner,

Consecrated as the music of the Union, were proudly pealed forth. And that all should have a common part and share in the Reunion of the Republic should be sung amid the

Tears & Lamentations of Fraternal Love

EPITAPH ON THE UNITED STATES OF AMERICA

(From an original broadside, published November, 1860, at the time of Lincoln's election)

ple for that object. While the strict legal right may exist in the government to enforce the exercise of these offices, the attempt to do so would be so irritating, and so nearly impracticable withal, I deem it better to forego, for the time, the uses of such offices.

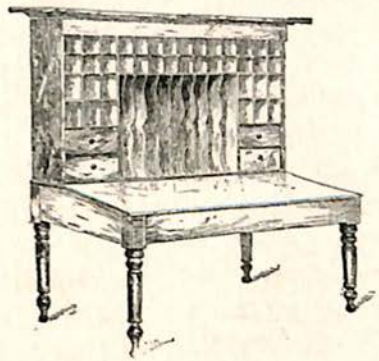
The mails, unless repelled, will continue to be furnished in all parts of the Union. So far as possible, the people everywhere shall have that sense of perfect security which is most favorable to calm thought and reflection. The course here indicated will be followed, unless current events and experience shall show a modification or change to be proper, and in every case and exigency my best discretion will be exercised, according to circumstances actually existing, and with a view and a hope of a peaceful solution of the national troubles, and the restoration of fraternal sympathies and affections.

That there are persons in one section or another who seek to destroy the Union at all events, and are glad of any pretext to do it, I will neither affirm nor deny; but if there be such, I need address no word to them. To those, however, who really love the Union, may I not speak?

Before entering upon so grave a matter as the destruction of our national fabric, with all its benefits, its memories, and its hopes, would it not be wise to ascertain precisely why we do it? Will you hazard so desperate a step while there is any possibility that any portion of the ills you fly from have no real existence? Will you, while the certain ills you fly to are greater than all the real ones you fly from—will you risk the commission of so fearful a mistake?

All profess to be content in the Union, if all constitutional rights can be maintained. Is it true, then, that any right, plainly written in the Constitution, has been denied? I think not. Happily the human mind is so constituted that no party can reach to the audacity of

doing this. Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied. If, by the mere force of numbers, a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution—certainly would if such right were a vital one. But such is not our case. All the vital rights of minorities and of individuals are so plainly assured to them by affirmations and negations, guarantees and prohibitions in the Constitution, that controversies never arise concerning them. But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration. No foresight can anticipate, nor any document of reasonable length contain, express provisions for all possible questions. Shall fugitives from labor be surrendered by national or by State authority? The Constitution does not expressly say. May Congress prohibit slavery in the Territories? The Constitution does not expressly say.



DESK ON WHICH LINCOLN WROTE HIS FIRST INAUGURAL ADDRESS
(From C. C. Coffin's "Abraham Lincoln")

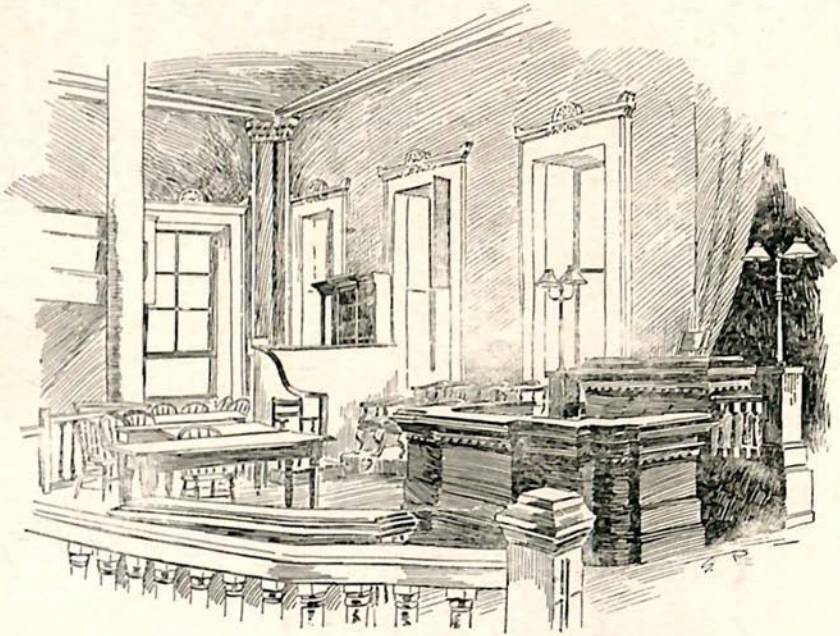
From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities. If the minority will not acquiesce, the majority must, or the government must cease. There is no other alternative; for continuing the government is acquiescence on one side or the other. If a minority in such case will secede rather than acquiesce, they make a precedent which, in turn, will divide and ruin them; for a minority of their own will secede from them whenever a majority refuses to be

controlled by such minority. For instance, why may not any portion of a new confederacy, a year or two hence, arbitrarily secede again, precisely as portions of the present Union now claim to secede from it? All who cherish disunion sentiments are now being educated to the exact temper of doing this.

Is there such perfect identity of interests among the States to compose a new Union, as to produce harmony only, and prevent renewed secession?

Plainly, the central idea of secession is the essence of anarchy. A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it does, of necessity, fly to anarchy or to despotism. Unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy or despotism, in some form, is all that is left.

I do not forget the position assumed by some, that constitutional questions are to be decided by the Supreme Court; nor do I deny that such decisions must be binding, in any case, upon the parties to a suit, while they are also entitled to very high respect and consideration in all parallel cases, by all other departments of the government. And while it is obviously possible that such decisions may be erroneous in any given case, still, the evil effect following it being limited to that particular case, with the chance that it may be overruled, and never become a precedent for other cases, can better be borne than could the evils of a different practice. At the same time, the candid citizen must confess that if the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigations between parties in personal actions, the people will have ceased to be their own rulers,



CHAMBER OF THE HALL OF REPRESENTATIVES, SPRINGFIELD, ILLINOIS, IN WHICH LINCOLN MADE HIS FIRST SPEECH IN OPPOSITION TO DOUGLAS, OCTOBER 1, 1854

(From C. C. Coffin's "Abraham Lincoln")

having to that extent practically resigned their government into the hands of that eminent tribunal.

Nor is there in this view any assault upon the court or the judges. It is a duty from which they may not shrink to decide cases properly brought before them, and it is no fault of theirs if others seek to turn their decisions to political purposes. One section of our country believes slavery is right, and ought to be extended. This is the only substantial dispute. The fugitive-slave clause of the Constitution, and the law for the suppression of the foreign slave-trade, are each as well enforced, perhaps, as any law can ever be in a community where the moral sense of the people imperfectly supports the law itself. The great body of the people abide by the dry legal obligation in both cases, and a few break over in each. This, I think, cannot be perfectly cured; and it would be worse, in both cases, after the separation of the sections than before. The foreign slave-trade, now imperfectly suppressed, would be ultimately revived, without restriction, in one section, while fugitive slaves, now only partially surrendered, would not be surrendered at all by the others.

Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence and beyond the reach of each other; but the different parts of our country cannot do this. They cannot but remain face to face; and intercourse, either amiable or hostile, must continue between them. It is impossible, then, to make that intercourse more advantageous or more satisfactory after separation than before. Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws among friends? Suppose you go to war, you cannot fight always, and when after much loss on both sides, and no gain on either, you cease fighting, the identical

old questions, as to terms of intercourse, are again upon you.

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it. I cannot be ignorant of the fact that many worthy and patriotic citizens are desirous of having the national Constitution amended. While I make no recommendation of amendment, I fully recognize the rightful authority of the people over the whole subject to be exercised in either of the modes prescribed in the instrument itself, and I should, under existing circumstances, favor, rather than oppose, a fair opportunity being afforded the people to act upon it. I will venture to add that to me the convention mode seems preferable, in that it allows amendment to originate with the people themselves, instead of only permitting them to take or reject propositions originated by others, not especially chosen for the purpose, and which might not be precisely such as they would wish to either accept or refuse. I understand a proposed amendment to the Constitution—which amendment, however, I have not seen—has passed Congress, to the effect that the federal government shall never interfere with the domestic institutions of the States, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose not to speak of particular amendments, so far as to say that, holding such a provision now to be implied constitutional law, I have no objections to its being made express and irrevocable.

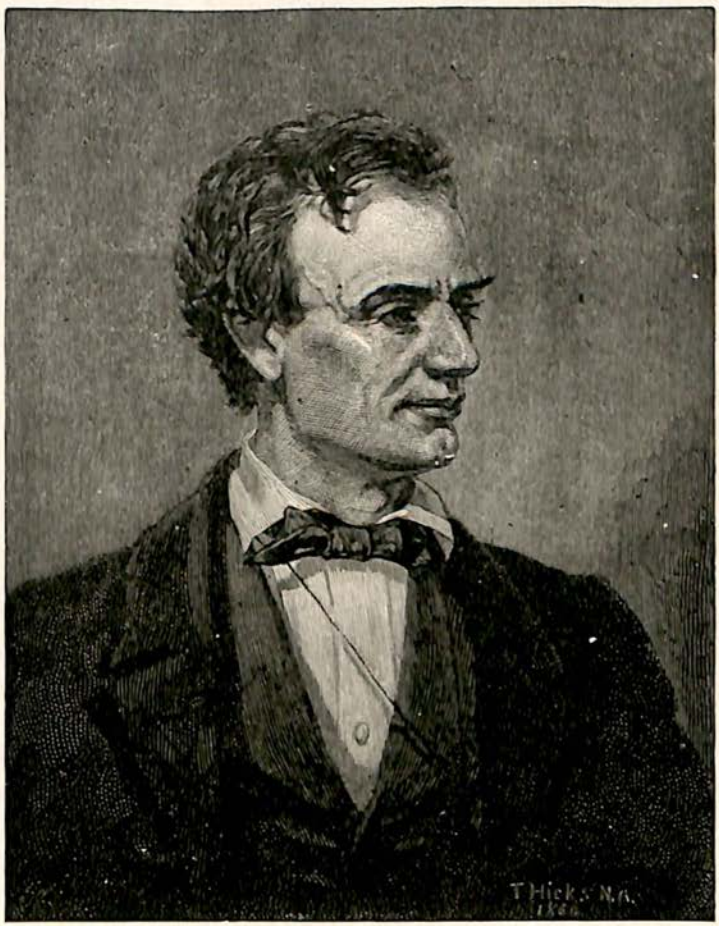
The chief magistrate derives all his authority from the people, and they have conferred none upon him to fix terms for the separation of the States. The people themselves can do this also if they choose, but the executive, as such, has nothing to do with it. His duty is to

administer the present government as it came to his hands, and to transmit it, unimpaired by him, to his successor.

Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? In our present differences, is either party without faith of being in the right? If the Almighty Ruler of Nations, with His eternal truth and justice, be on your side of the North, or on yours of the South, that truth and that justice will surely prevail, by the judgment of this great tribunal of the American people.

By the frame of the government under which we live, the same people have wisely given their public servants but little power for mischief, and have, with equal wisdom, provided for the return of that little to their own hands at very short intervals. While the people retain their virtue and vigilance, no administration, by any extreme of wickedness or folly, can very seriously injure the government in the short space of four years.

My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to hurry any of you in hot haste to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied still have the old Constitution unimpaired, and, on the sensitive point, the laws of your own framing under it; while the new administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied hold the right side in the dispute, there is still no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land are still competent to adjust, in the best way, all our present difficulty.



ABRAHAM LINCOLN

(From an original painting by Thomas Hicks. This picture was painted in the summer of 1860, after Lincoln's nomination)

In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. The government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the government; while I shall have the most solemn one to "preserve, protect, and defend" it.

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break, our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

Lincoln's Call for 75,000 Volunteers, 1861

This, the first call on the Governors of the States for volunteers, was issued through the War Department on April 15, 1861, the day following the fall of Fort Sumter. From text in "United States Statutes at Large," Vol. XII., p. 1258. (See page 64.)

Whereas the laws of the United States have been for some time past and now are opposed and the execution thereof obstructed in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by law:

Now, therefore, I, Abraham Lincoln, President of the United States, in virtue of the power in me vested by the Constitution and the laws, have thought fit to call forth, and hereby do call forth, the militia of the several States of the Union to the aggregate number of 75,000, in order to suppress said combinations and to cause the laws to be duly executed.

The details for this object will be immediately communicated to the State authorities through the War Department.

I appeal to all loyal citizens to favor, facilitate, and aid this effort to maintain the honor, the integrity, and the existence of our National Union and the perpetuity of popular government and to redress wrongs already long enough endured.

THE MARCH OF THE SEVENTH REGIMENT DOWN BROADWAY, APRIL 19, 1861

(From a painting by Thomas Nast)

I deem it proper to say that the first service assigned to the forces hereby called forth will probably be to repossess the forts, places, and property which have been seized from the Union; and in every event the utmost care will be observed, consistently with the objects aforesaid, to avoid any devastation, any destruction of or interference with property, or any disturbance of peaceful citizens in any part of the country.

And I hereby command the persons composing the combinations aforesaid to disperse and retire peaceably to their respective abodes within twenty days from this date.

Deeming that the present condition of public affairs presents an extraordinary occasion, I do hereby, in virtue of the power in me vested by the Constitution, convene both Houses of Congress. Senators and Representatives are therefore summoned to assemble at their respective chambers at 12 o'clock noon on Thursday, the 4th day of July next, then and there to consider and determine such measures as, in their wisdom, the public safety and interest may seem to demand.

Proclamation Declaring a Blockade of Southern Ports, April 19, 1861

President Lincoln issued the proclamation declaring the blockade of certain coast lines and ports as a rejoinder to President Jefferson Davis's proclamation of April 15th, which invited applications for letters of marque and reprisals. The blockade included in the proclamation of April 19th was extended to the ports of Virginia and North Carolina on the 27th of the same month. Text taken from Richardson's "Messages and Papers of the Presidents," Vol. VI., pp. 14–15. (See page 70.)

By the President of the United States of America
A Proclamation

Whereas an insurrection against the Government of the United States has broken out in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, and the laws of the United States for the collection of the revenue can not be effectually executed therein conformably to that provision of the Constitution which requires duties to be uniform throughout the United States; and

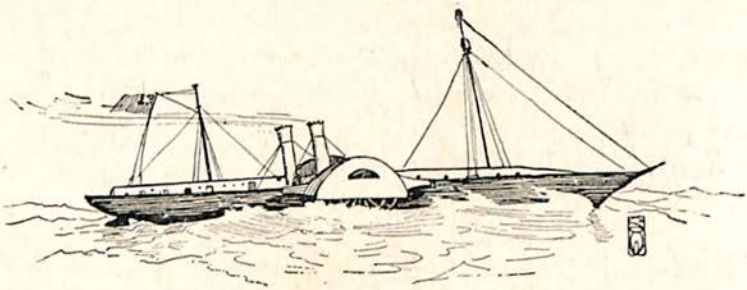
Whereas a combination of persons engaged in such insurrection have threatened to grant pretended letters of marque to authorize the bearers thereof to commit assaults on the lives, vessels, and property of good citi-

CHASE OF A BLOCKADE-RUNNER

(From a contemporary picture in *Harper's Weekly*, 1864)

zens of the country lawfully engaged in commerce on the high seas and in waters of the United States; and

Whereas an Executive proclamation has been already issued requiring the persons engaged in these disorderly proceedings to desist therefrom, calling out a militia force for the purpose of repressing the same, and con-



A BLOCKADE-RUNNER

(From W. O. Stevens's "The Story of Our Navy." After a drawing by Mr. Stevens.)

vening Congress in extraordinary session to deliberate and determine thereon:

Now, therefore, I, Abraham Lincoln, President of the United States, with a view to the same purposes before mentioned and to the protection of the public peace and the lives and property of quiet and orderly citizens pursuing their lawful occupations, until Congress shall have assembled and deliberated on the said unlawful proceedings or until the same shall have ceased, have further deemed it advisable to set on foot a blockade of the ports within the States aforesaid, in pursuance of the laws of the United States and of the law of nations in such case provided. For this purpose a competent force will be posted so as to prevent entrance and exit of vessels from the ports aforesaid. If, therefore, with a view to violate such blockade, a vessel shall approach or shall attempt to leave either of the said ports, she will be duly warned by the commander of one of the blockading vessels, who will indorse on her register the

fact and date of such warning, and if the same vessel shall again attempt to enter or leave the blockaded port she will be captured and sent to the nearest convenient port for such proceedings against her and her cargo as prize as may be deemed advisable.

And I hereby proclaim and declare that if any person, under the pretended authority of the said States or under any other pretense, shall molest a vessel of the United States or the persons or cargo on board of her, such person will be held amenable to the laws of the United States for the prevention and punishment of piracy.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 19th
[SEAL] day of April, A.D. 1861, and of the Independence of the United States the eighty-fifth.

ABRAHAM LINCOLN.

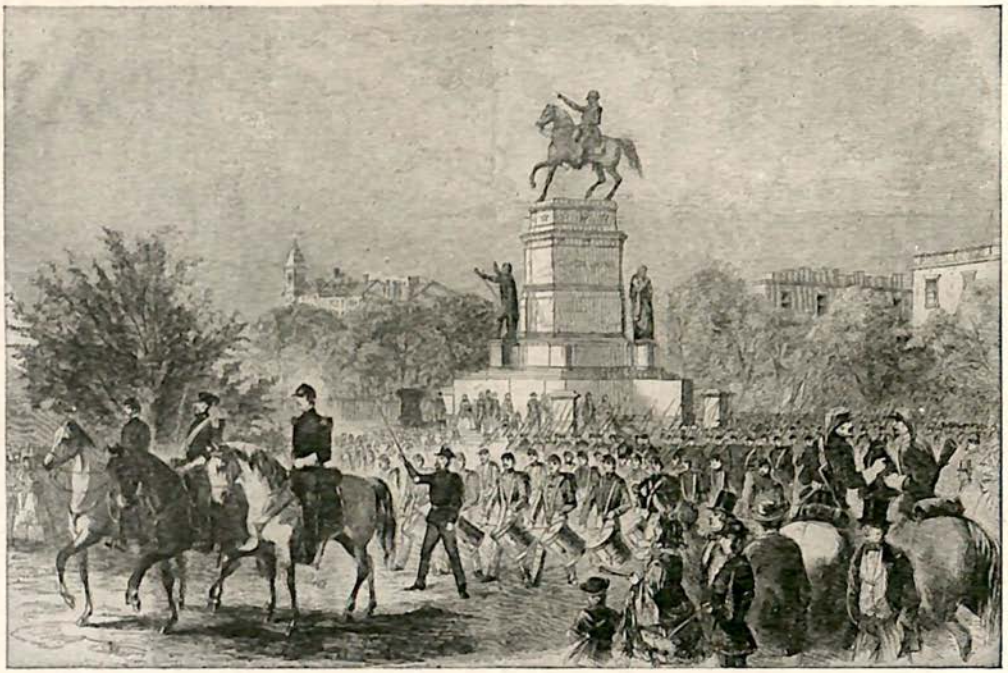
By the President:

WILLIAM H. SEWARD, Secretary of State.

Confiscation Act, August 6, 1861

The necessities of war called for the confiscation of slave labor, an act that was denounced by its opponents as a partisan measure. The Act that legalized this and the confiscation of all other kinds of property, entitled "An Act to Confiscate Property Used for Insurrectionary Purposes," was signed by President Lincoln August 6, 1861. From text in "United States Statutes at Large," Vol. XII., p. 319. (See page 70.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if, during the present or any future insurrection against the Government of the United States, after the President of the United States shall have declared, by proclamation, that the laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person or persons, his, her, or their agent, attorney, or employé, shall purchase or acquire, sell or give, any property of whatsoever kind or description, with intent to use or employ the same, or suffer the same to be used or employed, in aiding, abetting, or promoting such insurrection or resistance to the laws, or any person or persons engaged therein; or if any person or persons, being the owner or owners of any such property, shall knowingly use or employ, or consent to the use or employment of the same as



AN ALABAMA REGIMENT MARCHING THROUGH CAPITOL SQUARE, RICHMOND, TO JOIN GENERAL BEAUREGARD

(From *Harper's Weekly*, October 19, 1861)

aforesaid, all such property is hereby declared to be lawful subject of prize and capture wherever found; and it shall be the duty of the President of the United States to cause the same to be seized, confiscated and condemned.

SEC. 2. *And be it further enacted*, That such prizes and capture shall be condemned in the district or circuit court of the United States having jurisdiction of the amount, or in admiralty in any district in which the same may be seized, or into which they may be taken and proceedings first instituted.

SEC. 3. *And be it further enacted*, That the Attorney-General, or any district attorney of the United States in which said property may at the time be, may institute the proceedings of condemnation, and in such case they shall be wholly for the benefit of the United States; or any person may file an information with such attorney, in which case the proceedings shall be for the use of such informer and the United States in equal parts.

SEC. 4. *And be it further enacted*, That whenever hereafter, during the present insurrection against the Government of the United States, any person claimed to be held to labor or service under the law of any State, shall be required or permitted by the person to whom such labor or service is claimed to be due, or by the lawful agent of such person, to take up arms against the United States, or shall be required or permitted by the person to whom such labor or service is claimed to be due, or his lawful agent, to work or to be employed in or upon any fort, navy yard, dock, armory, ship, entrenchment, or in any military or naval service whatsoever, against the Government and lawful authority of the United States, then, and in every such case, the person to whom such labor or service is claimed to be due shall forfeit his claim to such labor, any law of the State or of the United States to the contrary notwithstanding. And whenever thereafter the person claim-

ing such labor or service shall seek to enforce his claim, it shall be a full and sufficient answer to such claim that the person whose service or labor is claimed had been employed in hostile service against the Government of the United States, contrary to the provisions of this act.

Approved, August 6, 1861.

The Trent Affair, 1861

The strained relations with the British Government over the affair of the steamer *Trent* produced a long correspondence. The selections collected for the "American Annual Cyclopædia of 1861" (New York, 1862), on pages 276, 277, afford most informing data. This correspondence was taken from various United States public documents. (See page 73.)

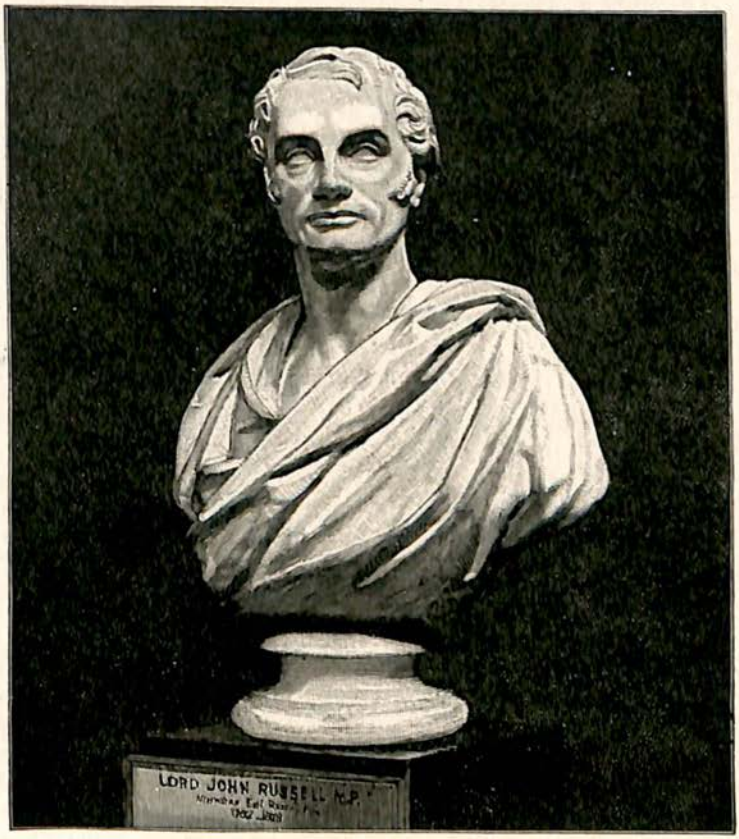
On the 30th of November [1861], Mr. Seward writes to Mr. Adams that Capt. Wilkes, in the steamer San Jacinto, had boarded a British colonial steamer, and taken from her deck two insurgents who were proceeding to England on an errand of treason against their own country. He then proceeds:

> We have done nothing on the subject to anticipate the discussion, and we have not furnished you with any explanations. We adhere to that course now, because we think it more prudent that the ground taken by the British Government should be first made known to us here, and that the discussion, if there must be one, shall be had here. It is proper, however, that you should know one fact in the case, without indicating that we attach much importance to it, namely, that, in the capture of Messrs. Mason and Slidell on board a British vessel, Capt. Wilkes having acted without any instructions from the Government, the subject is therefore free from the embarrassment which might have resulted if the act had been specially directed by us.

Earl Russell on the same day writes to Lord Lyons, the British Minister at Washington, relating the facts of the case as he had received them from the commander

of the colonial steamer Trent, and thus states the demands of his Government in relation to the matter:

Her Majesty's Government, bearing in mind the friendly relations which have long subsisted between Great Britain and the United

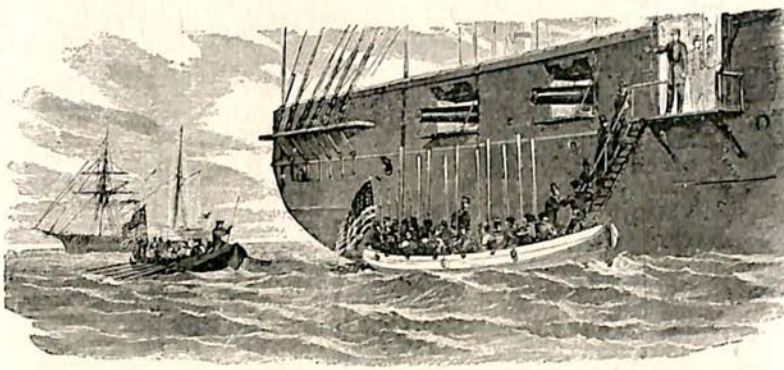


LORD JOHN RUSSELL
(From the bust by John Francis in National Portrait Gallery)

States, are willing to believe that the United States naval officer who committed the aggression was not acting in compliance with any authority from his Government, or that if he conceived himself to be so authorized he greatly misunderstood the instructions which he had received. For the Government of the United States must be fully aware that the British Government could not allow such an

affront to the national honor to pass without full reparation, and her Majesty's Government are unwilling to believe that it could be the deliberate intention of the Government of the United States unnecessarily to force into discussion between the two Governments a question of so grave a character, and with regard to which the whole British nation would be sure to entertain such unanimity of feeling.

Her Majesty's Government, therefore, trust that when this matter shall have been brought under the consideration of the Government of the United States, that Government will, of its own accord, offer



THE REBEL COMMISSIONERS, MASON AND SLIDELL, BEING BROUGHT ON BOARD THE UNITED STATES SLOOP-OF-WAR "SAN JACINTO" AS PRISONERS, NOVEMBER 8, 1861

(From a contemporary picture in *Harper's Weekly*, 1861)

to the British Government such redress as alone could satisfy the British nation, namely, the liberation of the four gentlemen and their delivery to your lordship, in order that they may again be placed under British protection, and a suitable apology for the aggression which has been committed.

Should these terms not be offered by Mr. Seward you will propose them to him.

Later, on the same day, Lord John Russell addressed another note to Lord Lyons, of a private nature, as follows:

In my previous despatch of this date I have instructed you, by command of her Majesty, to make certain demands of the Government of the United States.

Should Mr. Seward ask for delay in order that this grave and pain-

ful matter should be deliberately considered, you will consent to a delay not exceeding seven days. If, at the end of that time, no answer is given, or if any other answer is given except that of a compliance with the demands of her Majesty's Government, your lordship is instructed to leave Washington with all the members of your legation, bringing with you the archives of the legation, and to repair immediately to London.

If, however, you should be of opinion that the requirements of her Majesty's Government are substantially complied with, you may report the facts to her Majesty's Government for their consideration, and remain at your post till you receive further orders.

A copy of the first despatch was sent to Mr. Seward by Lord Lyons, who gave him a reply on the 26th of December. After stating the facts in the case, Mr. Seward proceeds thus:

Your lordship will now perceive that the case before us, instead of presenting a merely flagrant act of violence on the part of Captain Wilkes, as might well be inferred from the incomplete statement of it that went up to the British Government, was undertaken as a simple legal and customary belligerent proceeding by Captain Wilkes to capture a neutral vessel engaged in carrying contraband of war for the use and benefit of the insurgents.

The question before us is, whether this proceeding was authorized by, and conducted according to the law of nations. It involves the following inquiries:

1st. Were the persons named and their supposed despatches contraband of war?
2d. Might Captain Wilkes lawfully stop and search the Trent for these contraband persons and despatches?
3d. Did he exercise that right in a lawful and proper manner?
4th. Having found the contraband persons on board and in presumed possession of the contraband despatches, had he a right to capture the persons?
5th. Did he exercise that right of capture in the manner allowed and recognized by the law of nations?

If all these inquiries shall be resolved in the affirmative, the British Government will have no claim for reparation.

The first four questions are briefly answered by himself in the affirmative, and only the fifth remained for consideration. This he examines at some length, and

thus draws to a conclusion the most important paper that has emanated from his department:

I trust that I have shown to the satisfaction of the British Government, by a very simple and natural statement of the facts, and

CAPT. CHARLES WILKES, IN COMMAND OF THE UNITED STATES SLOOP-OF-WAR "SAN JACINTO," WHO CAPTURED THE CONFEDERATE ENVOYS, MASON AND SLIDELL, NOVEMBER 8, 1861

analysis of the law applicable to them, that this Government has neither meditated, nor practised, nor approved any deliberate wrong in the transaction to which they have called its attention; and, on

the contrary, that what has happened has been simply an inadvertency, consisting in a departure, by the naval officer, free from any wrongful motive, from a rule uncertainly established, and probably by the several parties concerned either imperfectly understood or entirely unknown. For this error the British Government has a right to expect the same reparation that we, as an independent State, should expect from Great Britain or from any other friendly nation in a similar case.

I have not been unaware that, in examining this question, I have fallen into an argument for what seems to be the British side of it against my own country. But I am relieved from all embarrassment on that subject. I had hardly fallen into that line of argument when I discovered that I was really defending and maintaining, not an exclusively British interest, but an old, honored, and cherished American cause, not upon British authorities, but upon principles that constitute a large portion of the distinctive policy by which the United States have developed the resources of a continent, and thus becoming a considerable maritime power, have won the respect and confidence of many nations. These principles were laid down for us in 1804, by James Madison, when Secretary of State in the administration of Thomas Jefferson, in instructions given to James Monroe, our Minister to England. Although the case before him concerned a description of persons different from those who are incidentally the subjects of the present discussion, the ground he assumed then was the same I now occupy, and the arguments by which he sustained himself upon it, have been an inspiration to me in preparing this reply.

"Whenever," he says, "property found in a neutral vessel is supposed to be liable on any ground to capture and condemnation, the rule in all cases is, that the question shall not be decided by the captor, but be carried before a legal tribunal, where a regular trial may be had, and where the captor himself is liable to damages for an abuse of his power. Can it be reasonable then, or just, that a belligerent commander who is thus restricted, and thus responsible in a case of mere property of trivial amount, should be permitted, without recurring to any tribunal whatever, to examine the crew of a neutral vessel, to decide the important question of their respective allegiances, and to carry that decision into execution by forcing every individual he may choose into a service abhorrent to his feelings, cutting him off from his most tender connections, exposing his mind and his person to the most humiliating discipline, and his life itself to the greatest danger. Reason, justice, and humanity unite in protesting against so extravagant a proceeding."

If I decide this case in favor of my own Government, I must dis-

avow its most cherished principles, and reverse and forever abandon its essential policy. The country cannot afford the sacrifice. If I maintain those principles, and adhere to that policy, I must surrender the case itself. It will be seen, therefore, that this Government could not deny the justice of the claim presented to us in this respect upon its merits. We are asked to do to the British nation just what we have always insisted all nations ought to do to us.

JOHN SLIDELL, CONFEDERATE ENVOY TO GREAT BRITAIN, TAKEN OFF THE BRITISH STEAMER "TRENT" BY CAPT. CHARLES WILKES, NOVEMBER 8, 1861

(From a photograph by Brady [published in *Harper's Weekly*)

The claim of the British Government is not made in a discourteous manner. This Government, since its first organization, has never used more guarded language in a similar case.

In coming to my conclusion I have not forgotten that, if the safety of this Union required the detention of the captured persons, it would be the right and duty of this Government to detain them. But the effectual check and waning proportions of the existing insurrection, as well as the comparative unimportance of the captured persons themselves, when dispassionately weighed, happily forbid me from resorting to that defence.

Nor am I unaware that American citizens are not in any case to be unnecessarily surrendered for any purpose into the keeping of a foreign State. Only the captured persons, however, or others who are interested in them, could justly raise a question on that ground.

Nor have I been tempted at all by suggestions that cases might

be found in history where Great Britain refused to yield to other nations, and even to ourselves, claims like that which is now before us. Those cases occurred when Great Britain, as well as the United States, was the home of generations, which, with all their peculiar interests and passions, have passed away. She could in no other way so effectually disavow any such injury as we think she does by assuming now as her own the ground upon which we then stood. It would tell little for our own claims to the character of a just and magnanimous people if we should so far consent to be guided by the law of retaliation as to lift up buried injuries from their graves to oppose against what national consistency and the national conscience compel us to regard as a claim intrinsically right.

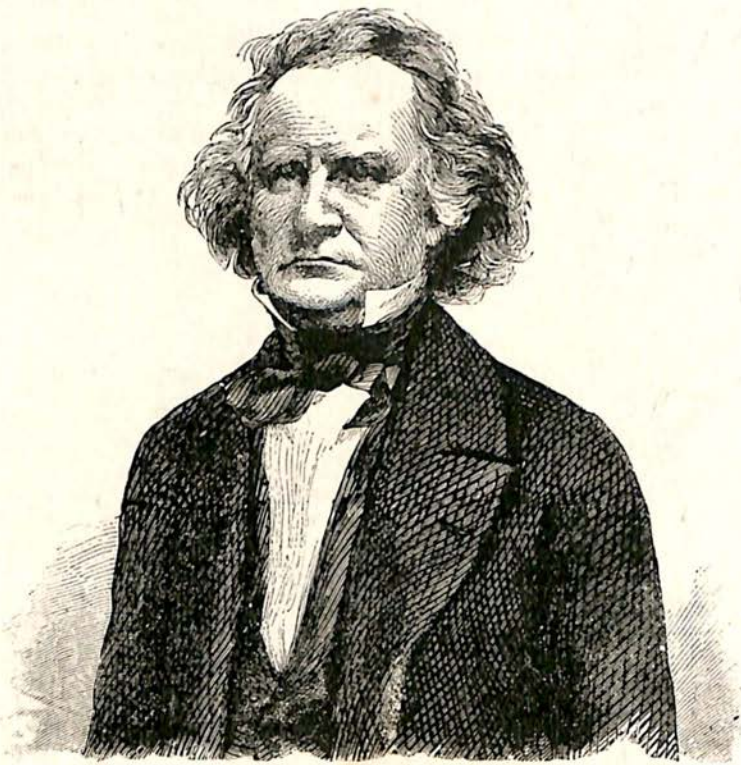
Putting behind me all suggestions of this kind, I prefer to express my satisfaction that, by the adjustment of the present case upon principles confessedly American, and yet, as I trust, mutually satisfactory to both of the nations concerned, a question is finally and rightly settled between them, which, heretofore exhausting not only all forms of peaceful discussion, but also the arbitrament of war itself, for more than half a century alienated the two countries from each other, and perplexed with fears and apprehensions all other nations.

The four persons in question are now held in military custody at Fort Warren, in the State of Massachusetts. They will be cheerfully liberated. Your lordship will please indicate a time and place for receiving them.

Other nations besides Great Britain took a lively interest in this seizure of Messrs. Mason and Slidell. On the 10th of December, the Minister of France for Foreign Affairs writes to the representative of that court at Washington that "the arrest had produced in France, if not the same emotion as in England, at least extreme astonishment and sensation. Public sentiment was at once engrossed with the unlawfulness and the consequences of such an act." Again he says:

The desire to contribute to prevent a conflict, perhaps imminent, between two powers for which the French Government is animated by sentiments equally friendly, and the duty to uphold, for the purpose of placing the right of its own flag under shelter from any attack, certain principles, essential to the security of neutrals, have, after mature reflection, convinced it that it could not, under the circumstances, remain entirely silent.

After examining the reasons which might be urged to justify the arrest of Mason and Slidell, if the United States approved of the act, he proceeds to show the



JOHN M. MASON, CONFEDERATE ENVOY TO GREAT BRITAIN, WHO WAS TAKEN OFF THE BRITISH STEAMER "TRENT" BY CAPT. CHARLES WILKES, NOVEMBER 8, 1861, COMMANDER OF THE UNITED STATES SLOOP-OF-WAR "SAN JACINTO"

(From a photograph by Brady published in *Harper's Weekly*)

disastrous effects which their detention would have on the principles governing neutral rights.

There remains, therefore, to invoke, in explanation of their capture, only the pretext that they were the bearers of official despatches from the enemy; but this is the moment to recall a circumstance

which governs all this affair, and which renders the conduct of the American cruiser unjustifiable.

The Trent was not destined to a point belonging to one of the belligerents. She was carrying to a neutral country her cargo and her passengers; and, moreover, it was in a neutral port that they were taken.

The Cabinet of Washington could not, without striking a blow at the principles which all neutral nations are alike interested in holding in respect, nor without taking the attitude of contradiction of its own course up to this time, give its approbation to the proceedings of the commander of the San Jacinto. In this state of things it evidently should not, according to our views, hesitate about the determination to be taken.

Act Authorizing the Seizure of Railroad and Telegraph Lines, January 31, 1862

Interstate communications were taken over by the Government for more uniform service by the Act entitled "An Act to authorize the President of the United States in certain Cases to take Possession of Railroad and Telegraph Lines, and for other Purposes." It was signed by President Lincoln January 31, 1862. Text taken from "United States Statutes at Large," Vol. XII., pp. 334–335. (See page 70.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, when in his judgment the public safety may require it, be, and he is hereby authorized to take possession of any or all the telegraph lines in the United States, their offices and appurtenances; to take possession of any or all the railroad lines in the United States, their rolling-stock, their offices, shops, buildings, and all their appendages and appurtenances; to prescribe rules and regulations for the holding, using, and maintaining of the aforesaid telegraph and railroad lines, and to extend, repair, and complete the same, in the manner most conducive to the safety and interest of the Government; to place under military control all the officers, agents, and employés belonging to the telegraph and railroad lines thus taken possession of by the President, so that they shall be considered as a post road and a part of the military establishment of the United States, subject to all the restrictions imposed by the rules and articles of war.

SEC. 2. *And be it further enacted*, That any attempt by any party or parties whomsoever, in any State or District in which the laws of the United States are opposed, or the execution thereof obstructed by insurgents and rebels against the United States, too powerful to be suppressed by the ordinary course of judicial proceedings, to resist or interfere with the unrestrained use by Government of the property described in the preceding section, or any attempt to injure or destroy the property aforesaid, shall be punished as a military offence, by death, or such other penalty as a court-martial may impose.

SEC. 3. *And be it further enacted*, That three commissioners shall be appointed by the President of the United States, by and with the advice and consent of the Senate, to assess and determine the damages suffered, or the compensation to which any railroad or telegraph company may be entitled by reason of the railroad or telegraph line being seized and used under the authority conferred by this act, and their award shall be submitted for their action.

SEC. 4. *And be it further enacted*, That the transportation of troops, munitions of war, equipments, military property and stores, throughout the United States, shall be under the immediate control and supervision of the Secretary of War and such agents as he may appoint; and all rules, regulations, articles, usages, and laws in conflict with this provision are hereby annulled.

SEC. 5. *And be it further enacted*, That the compensation of each of the commissioners aforesaid shall be eight dollars per day while in actual service; and that the provisions of this act, so far as it relates to the operating and using said railroads and telegraphs, shall not be in force any longer than is necessary for the suppression of this rebellion.

Approved, January 31, 1862.

Lincoln's Emancipation Proclamation, 1863

This proclamation was drawn up in July, 1862, but the time was not deemed opportune to promulgate it. On September 22d the President issued a preparatory or warning notice of intention, and on January 1, 1863, the full proclamation, as below. From text in "United States Statutes at Large," Vol. XII., pp. 1268–1269. (See pages 88, 100–103.)

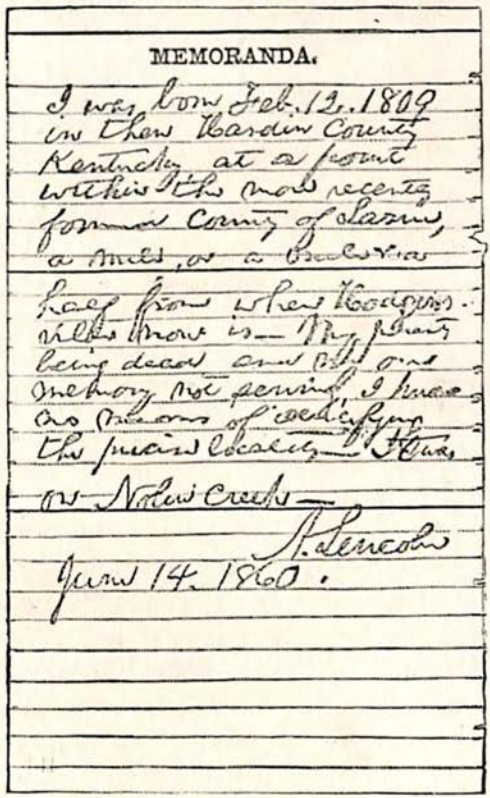
Whereas on the 22d day of September, A. D. 1862, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the 1st day of January, A. D. 1863, all persons held as slaves within any State or designated part of a State the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free; and the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the Executive will on the 1st day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State or the people thereof shall on that day be in good faith represented in the Congress of the United States by members chosen

thereto at elections wherein a majority of the qualified voters of such States shall have participated shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State and the people thereof are not then in rebellion against the United States."

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander in Chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and Government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this 1st day of January, A. D. 1863, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States the following, to wit:

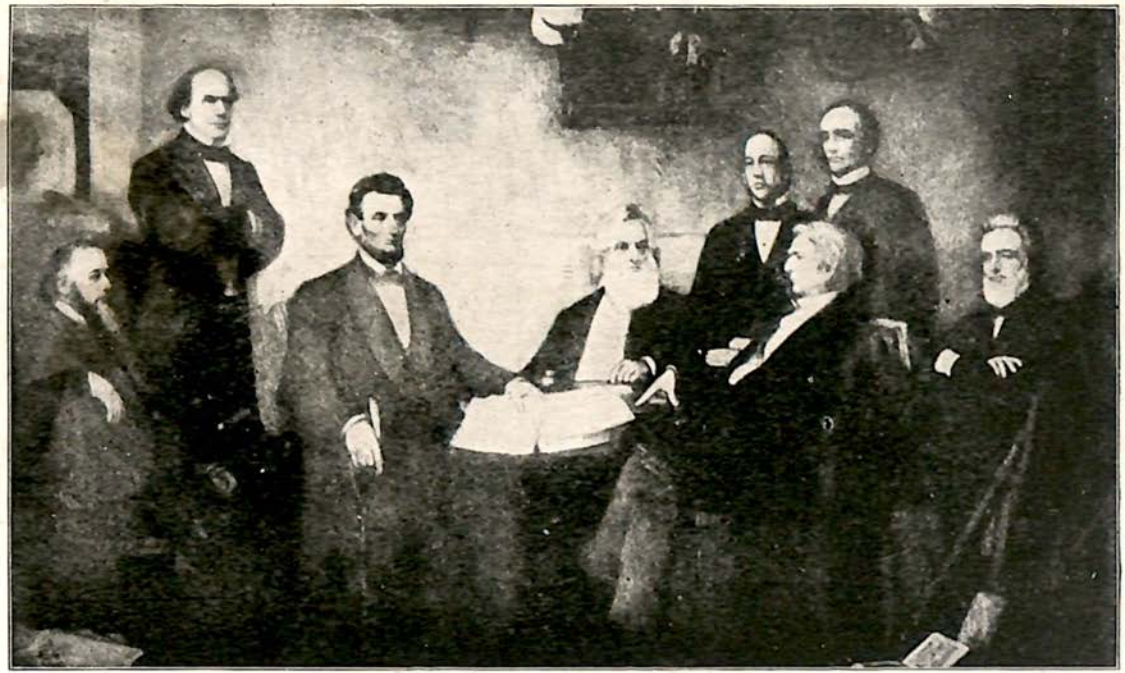


MEMORANDA.

I was born Feb. 12. 1809
in then Hardin County
Kentucky at a point
within the more recently
formed County of Larue,
a mile, or a [illegible]
half from where Hodgins-
ville now is — My parents
being dead and my own
memory not serving, I have
no means of identifying
the precise locality — I was
on Nolin Creek —
A. Lincoln
June 14. 1860.

ACCOUNT OF HIS BIRTHPLACE IN HANDWRITING OF LINCOLN

(Given to Thomas Hicks in 1860, at the time he finished Lincoln's portrait)



THE SIGNING OF THE EMANCIPATION PROCLAMATION

Arkansas, Texas, Louisiana (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Anne, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are and henceforward shall be free, and that the executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them that in all cases when allowed they labor faithfully for reasonable wages.

And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations, and other places and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

Enrolment Act, March 3, 1863

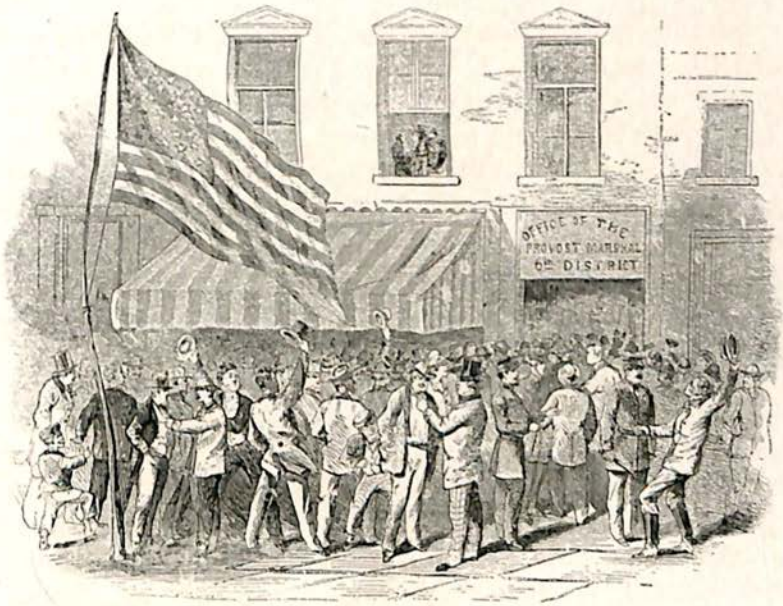
In spite of the disapproval of a large pacifist element in the North, Congress after long deliberation passed the Act entitled "An Act for enrolling and calling out the national Forces, and for other Purposes." It was signed by President Lincoln March 3, 1863. Reprinted, with the omission of certain administrative sections, from "United States Statutes at Large," Vol. XII., pp. 731–737. (See page 92.)

Whereas there now exists in the United States an insurrection and rebellion against the authority thereof, and it is, under the Constitution of the United States, the duty of the government to suppress insurrection and rebellion, to guarantee to each State a republican form of government, and to preserve the public tranquillity; and whereas, for these high purposes, a military force is indispensable, to raise and support which all persons ought willingly to contribute; and whereas no service can be more praiseworthy and honorable than that which is rendered for the maintenance of the Constitution and Union, and the consequent preservation of free government: Therefore—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all able-bodied male citizens of the United States, and persons of foreign birth who shall have declared on oath their intention to become citizens under and in pursuance of the laws thereof, between the ages of

twenty and forty-five years, except as hereinafter excepted, are hereby declared to constitute the national forces, and shall be liable to perform military duty in the service of the United States when called out by the President for that purpose.

SEC. 2. *And be it further enacted*, That the following persons be, and they are hereby, excepted and exempt



RESUMPTION OF THE DRAFT, AUGUST 19, 1863

(Scene outside the Provost Marshal's office, sixth district, New York; the crowd cheers. From *Harper's Weekly*, September 5, 1863)

from the provisions of this act, and shall not be liable to military duty under the same, to wit: Such as are rejected as physically or mentally unfit for the service; also, First, the Vice-President of the United States, the judges of the various courts of the United States, the heads of the various executive departments of the government, and the governors of the several States. Second, the only son liable to military duty of a widow

dependent upon his labor for support. Third, the only son of aged or infirm parent or parents dependent upon his labor for support. Fourth, where there are two or more sons of aged or infirm parents subject to draft, the father, or, if he be dead, the mother, may elect which son shall be exempt. Fifth, the only brother of children not twelve years old, having neither father nor mother dependent upon his labor for support. Sixth, the father of motherless children under twelve years of age dependent upon his labor for support. Seventh, where there are a father and sons in the same family and household, and two of them are in the military service of the United States as non-commissioned officers, musicians, or privates, the residue of such family and household, not exceeding two, shall be exempt. And no persons but such as are herein excepted shall be exempt. *Provided, however,* That no person who has been convicted of any felony shall be enrolled or permitted to serve in said forces.

SEC. 3. *And be it further enacted,* That the national forces of the United States not now in the military service, enrolled under this act, shall be divided into two classes: the first of which shall comprise all persons subject to do military duty between the ages of twenty and thirty-five years, and all unmarried persons subject to do military duty above the age of thirty-five and under the age of forty-five; the second class shall comprise all other persons subject to do military duty, and they shall not, in any district, be called into the service of the United States until those of the first class shall have been called.

SEC. 4. *And be it further enacted,* That, for greater convenience in enrolling, calling out, and organizing the national forces, and for the arrest of deserters and spies of the enemy, the United States shall be divided into districts, of which the District of Columbia shall constitute one, each territory of the United States shall

constitute one or more, as the President shall direct, and each congressional district of the respective states, as fixed by a law of the state next preceding the enrolment, shall constitute one: *Provided*, That in states which have not by their laws been divided into two or more congressional districts, the President of the United

RESUMPTION OF THE DRAFT, AUGUST 19, 1863

(Scene inside the Provost Marshal's office, sixth district. Nearly five weeks had elapsed since the first attempt at carrying out the draft in July in New York, when the draft riots took place. The resumption proceeded without any disturbance, and the draft in New York became an accomplished fact. From *Harper's Weekly*, September 5, 1863)

States shall divide the same into so many enrolment districts as he may deem fit and convenient.

SEC. 5. *And be it further enacted*, That for each of said districts there shall be appointed by the President a provost-marshal, with the rank, pay, and emoluments of a captain of cavalry, or an officer of said rank shall be detailed by the President, who shall be under the direction and subject to the orders of a provost-marshal-general, appointed or detailed by the President of the United States, whose office shall be at the seat of govern-

ment, forming a separate bureau of the War Department, and whose rank, pay, and emoluments shall be those of a colonel of cavalry.

SEC. 6–7.

SEC. 8. *And be it further enacted*, That in each of said districts there shall be a board of enrolment, to be composed of the provost-marshal, as president, and two other persons, to be appointed by the President of the United States, one of whom shall be a licensed and practising physician and surgeon.

SEC. 9. *And be it further enacted*, That it shall be the duty of the said board to divide the district into sub-districts of convenient size, if they shall deem it necessary, not exceeding two, without the direction of the Secretary of War, and to appoint, on or before the tenth day of March next, and in each alternate year thereafter, an enrolling officer for each sub-district, and to furnish him with proper blanks and instructions; and he shall immediately proceed to enrol all persons subject to military duty, noting their respective places of residence, ages on the first day of July following, and their occupation, and shall, on or before the first day of April, report the same to the board of enrolment, to be consolidated into one list, a copy of which shall be transmitted to the provost-marshal-general on or before the first day of May succeeding the enrolment: *Provided, nevertheless*, That if from any cause the duties prescribed by this section cannot be performed within the time specified, then the same shall be performed as soon thereafter as practicable.

SEC. 10. *And be it further enacted*, That the enrolment of each class shall be made separately, and shall only embrace those whose ages shall be on the first day of July thereafter between twenty and forty-five years.

SEC. 11. *And be it further enacted*, That all persons thus enrolled shall be subject, for two years after the first day of July succeeding the enrolment, to be called

into the military service of the United States, and to continue in service during the present rebellion, not, however, exceeding the term of three years; and when called into service shall be placed on the same footing, in all respects, as volunteers for three years, or during the war, including advance pay and bounty as now provided by law.

JOHN HAY IN 1862

(Friend of Abraham Lincoln, whom he accompanied to Washington at the time of his inauguration and served as his assistant private secretary till 1863, when he joined General Hunter in South Carolina as aide-de-camp)

SEC. 12. *And be it further enacted*, That whenever it may be necessary to call out the national force for military service, the President is hereby authorized to assign to each district the number of men to be furnished by said district; and thereupon the enrolling board shall, under the direction of the President, make a draft of the required number, and fifty per cent. in addition, and shall make an exact and complete roll of the names of the persons so drawn, and of the order in which they were drawn, so that the first drawn may stand first upon the said roll, and the second may stand second, and so on; and the persons so drawn shall be notified of the same within ten days thereafter, by a written or printed notice, to be served personally or by leaving a

copy at the last place of residence, requiring them to appear at a designated rendezvous to report for duty. In assigning to the districts the number of men to be furnished therefrom, the President shall take into consideration the number of volunteers and militia furnished by and from the several states in which said districts are situated, and the period of their service since the commencement of the present rebellion, and shall so make said assignment as to equalize the numbers among the districts of the several states, considering and allowing for the numbers already furnished as aforesaid and the time of their service.

SEC. 13. *And be it further enacted*, That any person drafted and notified to appear as aforesaid, may, on or before the day fixed for his appearance, furnish an acceptable substitute to take his place in the draft; or he may pay to such person as the Secretary of War may authorize to receive it, such sum, not exceeding three hundred dollars, as the Secretary may determine, for the procuration of such substitute; which sum shall be fixed at a uniform rate by a general order made at the time of ordering a draft for any state or territory; and thereupon such person so furnishing the substitute, or paying the money, shall be discharged from further liability under that draft. And any person failing to report after due service of notice, as herein prescribed, without furnishing a substitute, or paying the required sum therefor, shall be deemed a deserter, and shall be arrested by the provost-marshal and sent to the nearest military post for trial by court-martial, unless, upon proper showing that he is not liable to do military duty, the board of enrolment shall relieve him from the draft.

SEC. 14–16.

SEC. 17. *And be it further enacted*, That any person enrolled and drafted according to the provisions of this act who shall furnish an acceptable substitute, shall thereupon receive from the board of enrolment a certif-

icate of discharge from such draft, which shall exempt him from military duty during the time for which he was drafted; and such substitute shall be entitled to the same pay and allowances provided by law as if he had been originally drafted into the service of the United States.

SEC. 18. *And be it further enacted*, That such of the volunteers and militia now in the service of the United States as may reënlist to serve one year, unless sooner discharged, after the expiration of their present term of service, shall be entitled to a bounty of fifty dollars, one half of which to be paid upon such reënlistment, and the balance at the expiration of the term of reënlistment; and such as may reënlist to serve for two years, unless sooner discharged, after the expiration of their present term of enlistment, shall receive, upon such reenlistment, twenty-five dollars of the one hundred dollars bounty for enlistment provided by the fifth section of the act approved twenty-second of July, eighteen hundred and sixty-one, entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property."

SEC. 19–23.

SEC. 24. *And be it further enacted*, That every person not subject to the rules and articles of war who shall procure or entice, or attempt to procure or entice, a soldier in the service of the United States to desert; or who shall harbor, conceal, or give employment to a deserter, or carry him away, or aid in carrying him away, knowing him to be such; or who shall purchase from any soldier his arms, equipments, ammunition, uniform, clothing, or any part thereof; and any captain or commanding officer of any ship or vessel, or any superintendent or conductor of any railroad, or any other public conveyance, carrying away any such soldier as one of his crew or otherwise, knowing him to have deserted, or shall refuse to deliver him up to the orders

of his commanding officer, shall, upon legal conviction, be fined, at the discretion of any court having cognizance of the same, in any sum not exceeding five hundred dol-

JOHN G. NICOLAY, PRIVATE SECRETARY TO PRESIDENT LINCOLN, 1860–65

(From the original Brady negative now in the collection of Frederick H. Meserve, New York City)

lars, and he shall be imprisoned not exceeding two years nor less than six months.

SEC. 25. *And be it further enacted*, That if any person shall resist any draft of men enrolled under this act into the service of the United States, or shall counsel or aid any person to resist any such draft; or shall assault or obstruct any officer in making such draft, or in the performance of any service in relation thereto; or shall

counsel any person to assault or obstruct any such officer, or shall counsel any drafted men not to appear at the place of rendezvous, or wilfully dissuade them from the performance of military duty as required by law, such person shall be subject to summary arrest by the provost-marshal, and shall be forthwith delivered to the civil authorities, and, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding two years, or by both of said punishments.

SEC. 26–29.

SEC. 30. *And be it further enacted*, That in time of war, insurrection, or rebellion, murder, assault and battery with an intent to kill, manslaughter, mayhem, wounding by shooting or stabbing with an intent to commit murder, robbery, arson, burglary, rape, assault and battery with an intent to commit rape, and larceny, shall be punishable by the sentence of a general court-martial or military commission, when committed by persons who are in the military service of the United States, and subject to the articles of war; and the punishments for such offences shall never be less than those inflicted by the laws of the state, territory, or district in which they may have been committed.

SEC. 31–32.

SEC. 33. *And be it further enacted*, That the President of the United States is hereby authorized and empowered, during the present rebellion, to call forth the national forces, by draft, in the manner provided for in this act.

SEC. 34. *And be it further enacted*, That all persons drafted under the provisions of this act shall be assigned by the President to military duty in such corps, regiments, or other branches of the service as the exigencies of the service may require.

SEC. 35–37.

SEC. 38. *And be it further enacted*, That all persons who, in time of war or rebellion against the supreme

authority of the United States, shall be found lurking or acting as spies, in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a general court-martial or military commission, and shall, upon conviction, suffer death.

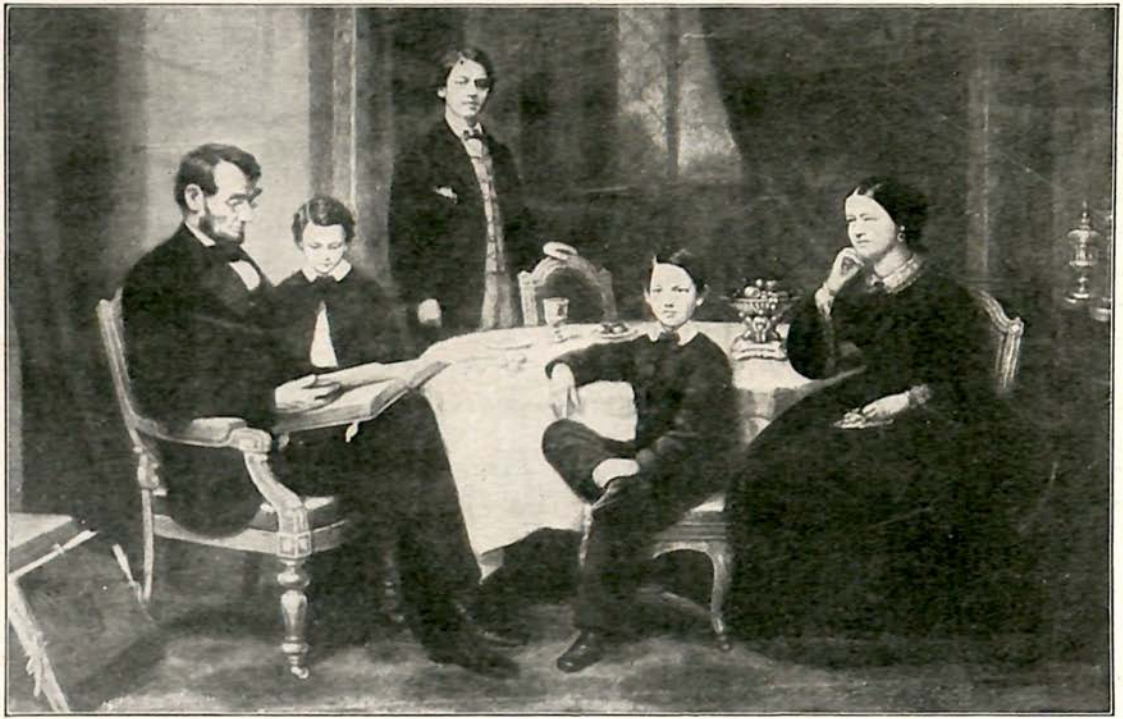
Approved, March 3, 1863.

Habeas Corpus Act, March 3, 1863

President Lincoln's proclamations suspending the Writ of Habeas Corpus were eventually recognized by Congress in the well-known Act entitled "An Act relating to Habeas Corpus, and regulating Judicial Proceedings in Certain Cases," which was signed by President Lincoln March 3, 1863. Text taken from "United States Statutes at Large," Vol. XII., pp. 755–758. (See page 92.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the present rebellion, the President of the United States, whenever, in his judgment, the public safety may require it, is authorized to suspend the privilege of the writ of habeas corpus in any case throughout the United States, or any part thereof. And whenever and wherever the said privilege shall be suspended, as aforesaid, no military or other officer shall be compelled, in answer to any writ of habeas corpus, to return the body of any person or persons detained by him by authority of the President; but upon the certificate, under oath, of the officer having charge of any one so detained that such person is detained by him as a prisoner under authority of the President, further proceedings under the writ of habeas corpus shall be suspended by the judge or court having issued the said writ, so long as said suspension by the President shall remain in force, and said rebellion continue.

SEC. 2. *And be it further enacted*, That the Secretary of State and the Secretary of War be, and they are hereby, directed, as soon as may be practicable, to furnish to the judges of the circuit and district courts of the United States and of the District of Columbia a list of the names of all persons, citizens of states in which the administration of the laws has continued unimpaired in the said Federal courts, who are now, or may hereafter be, held as prisoners of the United States, by order or authority of the President of the United States or either of said Secretaries, in any fort, arsenal, or other place, as state or political prisoners, or otherwise than as prisoners of war; the said list to contain the names of all those who reside in the respective jurisdictions of said judges, or who may be deemed by the said Secretaries, or either of them, to have violated any law of the United States in any of said jurisdictions, and also the date of each arrest; the Secretary of State to furnish a list of such persons as are imprisoned by the order or authority of the President, acting through the State Department, and the Secretary of War a list of such as are imprisoned by the order or authority of the President, acting through the Department of War. And in all cases where a grand jury, having attended any of said courts having jurisdiction in the premises, after the passage of this act, and after the furnishing of said list, as aforesaid, has terminated its session without finding an indictment or presentment, or other proceeding against any such person, it shall be the duty of the judge of the said court forthwith to make an order that any such prisoner desiring a discharge from said imprisonment be brought before him to be discharged; and every officer of the United States having custody of such prisoner is hereby directed immediately to obey and execute said judge's order; and in case he shall delay or refuse so to do, he shall be subject to indictment for a misdemeanor, and be punished by a fine of not less



THE LINCOLN FAMILY

(From the painting by Frank Bicknell Carpenter after a photograph by Brady now in the collection of Frederick H. Meserve, New York City. Left to right: Mr. Lincoln, Thomas ("Tad"), Robert, Willie, Mrs. Lincoln)

than five hundred dollars and imprisonment in the common jail for a period not less than six months, in the discretion of the court: *Provided, however*, That no person shall be discharged by virtue of the provisions of this act until after he or she shall have taken an oath of allegiance to the Government of the United States, and to support the Constitution thereof; and that he or she will not hereafter in any way encourage or give aid and comfort to the present rebellion, or the supporters thereof: *And provided, also*, That the judge or court before whom such person may be brought, before discharging him or her from imprisonment, shall have power, on examination of the case, and, if the public safety shall require it, shall be required to cause him or her to enter into recognizance, with or without surety, in a sum to be fixed by said judge or court, to keep the peace and be of good behavior towards the United States and its citizens, and from time to time, and at such times as such judge or court may direct, appear before said judge or court to be further dealt with, according to law, as the circumstances may require. And it shall be the duty of the district attorney of the United States to attend such examination before the judge.

SEC. 3. *And be it further enacted*, That in case any of such prisoners shall be under indictment or presentment for any offence against the laws of the United States, and by existing laws bail or a recognizance may be taken for the appearance for trial of such person, it shall be the duty of said judge at once to discharge such person upon bail or recognizance for trial as aforesaid. And in case the said Secretaries of State and War shall for any reason refuse or omit to furnish the said list of persons held as prisoners as aforesaid at the time of the passage of this act within twenty days thereafter, and of such persons as hereafter may be arrested within twenty days from the time of the arrest, any citizen may, after a grand jury shall have terminated

its session without finding an indictment or presentment, as provided in the second section of this act, by a petition alleging the facts aforesaid touching any of the persons so as aforesaid imprisoned, supported by the oath of such petitioner or any other credible person, obtain

HOME OF ABRAHAM LINCOLN, SPRINGFIELD, ILLINOIS
(From an engraving made about 1860)

and be entitled to have the said judge's order to discharge such prisoner on the same terms and conditions prescribed in the second section of this act: *Provided, however*, That the said judge shall be satisfied such allegations are true.

SEC. 4. *And be it further enacted*, That any order of

the President, or under his authority, made at any time during the existence of the present rebellion, shall be a defence in all courts to any action or prosecution, civil or criminal, pending, or to be commenced, for any search, seizure, arrest, or imprisonment, made, done, or committed, or acts omitted to be done, under and by virtue of such order, or under color of any law of Congress, and such defence may be made by special plea, or under the general issue.

SEC. 5. *And be it further enacted*, That if any suit or prosecution, civil or criminal, has been or shall be commenced in any state court against any officer, civil or military, or against any other person, for any arrest or imprisonment made, or other trespasses or wrongs done or committed, or any act omitted to be done, at any time during the present rebellion, by virtue or under color of any authority derived from or exercised by or under the President of the United States, or any act of Congress, and the defendant shall, at the time of entering his appearance in such court, or if such appearance shall have been entered before the passage of this act, then at the next session of the court in which such suit or prosecution is pending, file a petition, stating the facts and verified by affidavit, for the removal of the cause for trial at the next circuit court of the United States, to be holden in the district where the suit is pending, and offer good and sufficient surety for his filing in such court, on the first day of its session, copies of such process and other proceedings against him, and also for his appearing in such court and entering special bail in the cause, if special bail was originally required therein. It shall then be the duty of the state court to accept the surety and proceed no further in the cause or prosecution, and the bail that shall have been originally taken shall be discharged. And such copies being filed as aforesaid in such court of the United States, the cause shall proceed therein in the same manner as if

LINCOLN AND HIS CABINET

(From a contemporary drawing now in the collection of Frederick H. Meserve, New York City, made early in Lincoln's administration when Cameron was Secretary of War and Scott was at the head of the army. Left to right: Abraham Lincoln, Caleb B. Smith, Salmon P. Chase, Montgomery Blair, Simon Cameron, William H. Seward, Winfield Scott, Gideon Wells, Edward Bates)

it had been brought in said court by original process, whatever may be the amount in dispute or the damages claimed, or whatever the citizenship of the parties, any former law to the contrary notwithstanding. And any attachment of the goods or estate of the defendant by the original process shall hold the goods or estate so attached to answer the final judgment in the same manner as by the laws of such state they would have been holden to answer final judgment had it been rendered in the court in which the suit or prosecution was commenced. And it shall be lawful in any such action or prosecution which may now be pending, or hereafter commenced, before any state court whatever, for any cause aforesaid, after final judgment, for either party to remove and transfer, by appeal, such case during the session or term of said court at which the same shall have taken place, from such court to the next circuit court of the United States to be held in the district in which such appeal shall be taken, in manner aforesaid. And it shall be the duty of the person taking such appeal to produce and file in the said circuit court attested copies of the process, proceedings, and judgment in such cause; and it shall also be competent for either party, within six months after the rendition of a judgment in any such cause, by writ of error or other process, to remove the same to the circuit court of the United States of that district in which such judgment shall have been rendered; and the said circuit court shall thereupon proceed to try and determine the facts and the law in such action, in the same manner as if the same had been there originally commenced, the judgment in such case notwithstanding. And any bail which may have been taken, or property attached, shall be holden on the final judgment of the said circuit court in such action, in the same manner as if no such removal and transfer had been made, as aforesaid. And the state court, from which any such action, civil or criminal,

THE GUTZON BORGLUM STATUE OF LINCOLN, WITH CHILDREN PLAYING OVER IT, AT NEWARK, NEW JERSEY

may be removed and transferred as aforesaid, upon the parties giving good and sufficient security for the prosecution thereof, shall allow the same to be removed and transferred, and proceed no further in the case: *Provided, however,* That if the party aforesaid shall fail duly to enter the removal and transfer, as aforesaid, in the circuit court of the United States, agreeably to this act, the state court, by which judgment shall have been rendered, and from which the transfer and removal shall have been made, as aforesaid, shall be authorized, on motion for that purpose, to issue execution, and to carry into effect any such judgment, the same as if no such removal and transfer had been made. *And provided also,* That no such appeal or writ of error shall be allowed in any criminal action or prosecution where final judgment shall have been rendered in favor of the defendant or respondent by the state court. And if in any suit hereafter commenced the plaintiff is nonsuited or judgment pass against him, the defendant shall recover double costs.

SEC. 6. *And be it further enacted,* That any suit or prosecution described in this act, in which final judgment may be rendered in the circuit court, may be carried by writ of error to the supreme court, whatever may be the amount of said judgment.

SEC. 7. *And be it further enacted,* That no suit or prosecution, civil or criminal, shall be maintained for any arrest or imprisonment made, or other trespasses or wrongs done or committed, or act omitted to be done, at any time during the present rebellion, by virtue or under color of any authority derived from or exercised by or under the President of the United States, or by or under any act of Congress, unless the same shall have been commenced within two years next after such arrest, imprisonment, trespass, or wrong may have been done or committed or act may have been omitted to be done: *Provided,* That in no case shall the limitation herein

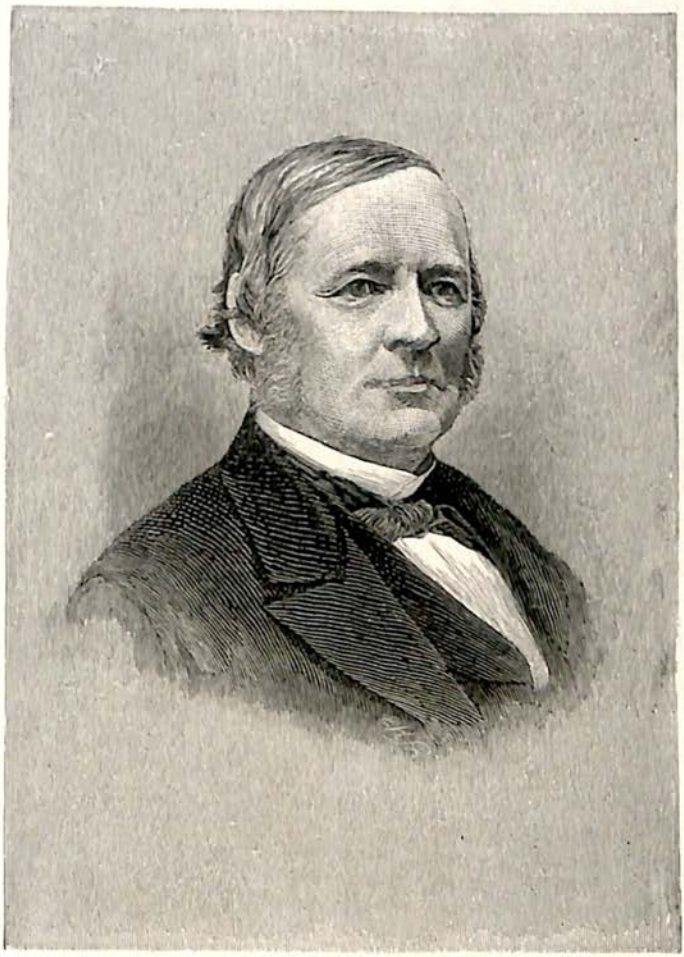
provided commence to run until the passage of this act, so that no party shall, by virtue of this act, be debarred of his remedy by suit or prosecution until two years from and after the passage of this act.

Approved, March 3, 1863.

An Act to Provide a National Currency, Secured by a Pledge of United States Bonds, and to Provide for the Circulation and Redemption Thereof, 1864

The first step toward the national-bank system was the passage of the Act of February 25, 1863, "to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof." This Act was not satisfactory and after a lengthy discussion a new law was passed June 3, 1864. The text of the law is taken from the "United States Statutes at Large," Vol. XIII., pp. 99–118. (See page 108.) The following are a few of the most essential sections.

Be it enacted, . . . That there shall be established in the treasury department a separate bureau, which shall be charged with the execution of this and all other laws that may be passed by congress respecting the issue and regulation of a national currency secured by United States bonds. The chief officer of the said bureau shall be denominated the comptroller of the currency and shall be under the general direction of the Secretary of the Treasury. He shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years unless sooner removed by the President, upon reasons to be communicated by him to the Senate. . . . The comptroller and deputy-comptroller shall not, either directly



Hugh McCulloch

HUGH MCCULLOCH

(In 1863 he was appointed Comptroller of the Currency under the new national banking law. He became Secretary of the Treasury in 1865 in Lincoln's administration, holding that office until March, 1869. In 1884 he was again appointed Secretary of the Treasury by President Arthur)

or indirectly, be interested in any association issuing national currency under the provisions of this act.

SEC. 2–3.

SEC. 4. *And be it further enacted*, That the term "United States Bonds," as used in this act, shall be construed to mean all registered bonds now issued, or that may hereafter be issued, on the faith of the United States by the Secretary of the Treasury in pursuance of law.

SEC. 5. *And be it further enacted*, That associations for carrying on the business of banking may be formed by any number of persons, not less in any case than five, who shall enter into articles of association, which shall specify in general terms the object for which the association is formed, and may contain any other provisions, not inconsistent with the provisions of this act, which the association may see fit to adopt for the regulation of the business of the association and the conduct of its affairs, which said articles shall be signed by the persons uniting to form the association, and a copy of them forwarded to the comptroller of the currency, to be filed and preserved in his office.

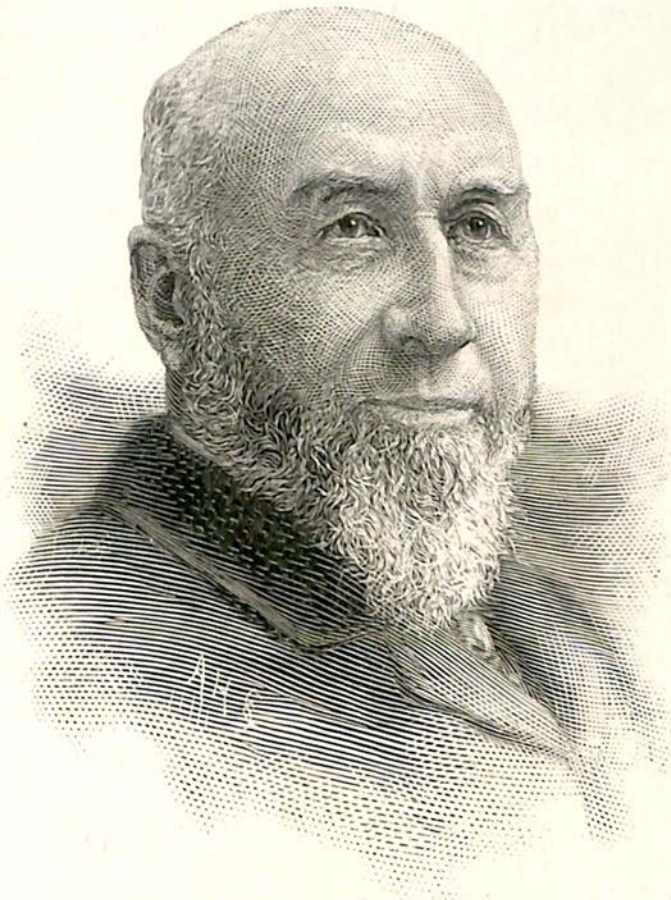
SEC. 6. *And be it further enacted*, That the persons uniting to form such an association shall, under their hands, make an organization certificate, which shall specify—

First. The names assumed by such association, which name shall be subject to the approval of the comptroller.

Second. The place where its operations of discount and deposit are to be carried on, designating the state, territory, or district, and also the particular county and city, town, or village.

Third. The amount of its capital stock, and the number of shares into which the same shall be divided.

Fourth. The names and places of residence of the shareholders, and the number of shares held by each of them.



AUSTIN CORBIN

(One of the first to apply for and to obtain a charter under the National Banking and Currency Act of 1863. June 29, 1863, he opened the First National Bank of Davenport, Iowa, which was the first national bank to be opened for business in the United States. The First National Bank of Philadelphia, the second to be opened in the United States, began business two days later, on July 1, 1863)

Fifth. A declaration that the said certificate is made to enable such persons to avail themselves of the advantage of this act. . . .

SEC. 7. *And be it further enacted*, That no association shall be organized under this act, with a less capital than one hundred thousand dollars, nor in a city whose population exceeds fifty thousand persons, with a less capital than two hundred thousand dollars: *Provided*, That banks with a capital of not less than fifty thousand dollars may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants.

SEC. 8. *And be it further enacted*, That every association formed pursuant to the provisions of this act shall, from the date of the execution of its organization certificate, be a body corporate, but shall transact no business except such as may be incidental to its organization and necessarily preliminary, until authorized by the comptroller of the currency to commence the business of banking. Such association shall have power to adopt a corporate seal, and shall have succession by the name designated in its organization certificate, for the period of twenty years from its organization, unless sooner dissolved according to the provisions of its articles of association, or by the act of its shareholders owning two thirds of its stock, or unless the franchise shall be forfeited by a violation of this act; by such name it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors appoint a president, vice-president, cashier, and other officers, define their duties, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, and appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and negotiating

promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate by by-laws, not inconsistent with the provisions of this act, the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and all the privileges granted by this act to associations organized under it shall be exercised and enjoyed; and its usual business shall be transacted at an office or banking house located in the place specified in its organization certificate.

SEC. 9–11.

SEC. 12. *And be it further enacted*, That the capital stock of any association formed under this act shall be divided into shares of one hundred dollars each, and be deemed personal property and transferable on the books of the association in such manner as may be prescribed in the by-laws or articles of association; and every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of such shares, and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired. The shareholders of each association formed under the provisions of this act, and of each existing bank or banking association that may accept the provisions of this act, shall be held individually responsible, equally and ratably and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. . . .

SEC. 13–15.

SEC. 16. *And be it further enacted*, That every association, after having complied with the provisions of this act, preliminary to the commencement of banking business under its provisions, and before it shall be authorized to commence business, shall transfer and deliver to the treasurer of the United States any United States registered bonds bearing interest to an amount not less than thirty thousand dollars nor less than one third of the capital stock paid in, which bonds shall be deposited with the treasurer of the United States and by him safely kept in his office until the same shall be otherwise disposed of, in pursuance of the provisions of this act. . . . The deposit of bonds shall be, by every association, increased as its capital may be paid up or increased, so that every association shall at all times have on deposit with the treasurer registered United States bonds to the amount of at least one third of its capital stock actually paid in. . . .

SEC. 17–20.

SEC. 21. *And be it further enacted*, That upon the transfer and delivery of bonds to the treasurer, as provided in the foregoing section, the association making the same shall be entitled to receive from the comptroller of the currency circulating notes of different denominations, in blank, registered and countersigned as hereinafter provided, equal in amount to ninety per centum of the current market value of the United States bonds so transferred and delivered, but not exceeding ninety per centum of the amount of said bonds at the par value thereof, if bearing interest at a rate not less than five per centum per annum; and at no time shall the total amount of such notes, issued to any such association, exceed the amount at such time actually paid in of its capital stock.

SEC. 22. *And be it further enacted*, That the entire amount of notes for circulation to be issued under this act shall not exceed three hundred millions of dollars.

In order to furnish suitable notes for circulation, the comptroller of the currency is hereby authorized and required, under the direction of the Secretary of the Treasury, to cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and to have printed therefrom, and numbered, such quantity of circulating notes, in blank . . . as may be required to supply, under this act, the associations entitled to receive the same; which notes shall express upon their face that they are secured by United States bonds, deposited with the treasurer of the United States by the written or engraved signatures of the treasurer and register, and by the imprint of the seal of the treasury; and shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signatures of the president or vice-president and cashier. . . .

SEC. 23. *And be it further enacted*, That after any such association shall have caused its promise to pay such notes on demand to be signed by the president or vice-president and cashier thereof, in such manner as to make them obligatory promissory notes, payable on demand, at its place of business, such association is hereby authorized to issue and circulate the same as money; and the same shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except for duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency. . . .

SEC. 24–25.

SEC. 26. *And be it further enacted*, That the bonds transferred to and deposited with the treasurer of the United States, as hereinbefore provided, by any banking association for the security of its circulating notes, shall

be held exclusively for that purpose, until such notes shall be redeemed, except as provided in this act; but the comptroller of the currency shall give to any such banking association powers of attorney to receive and appropriate to its own use the interest on the bonds which it shall have so transferred to the treasurer. . . .

SEC. 27–28.

SEC. 29. *And be it further enacted*, That the total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one tenth part of the amount of the capital stock of such association actually paid in: *Provided*, That the discount of bona fide bills of exchange drawn against actually existing values, and the discount of commercial or business paper actually owned by the person or persons, corporation or firm negotiating the same shall not be considered as money borrowed.

SEC. 30–35.

SEC. 36. *And be it further enacted*, That no association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on the following accounts, that is to say:—

First. On account of its notes of circulation.

Second. On account of moneys deposited with, or collected by, such association.

Third. On account of bills of exchange or drafts drawn against money actually on deposit to the credit of such association or thereto.

Fourth. On account of liabilities to its stockholders for dividends and reserved profits.

SEC. 37–44.

SEC. 45. *And be it further enacted*, That all associations under this act, when designated for that purpose

by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the government; and they shall perform all such reasonable duties, as depositaries of public moneys and financial agents of the government, as may be required of them. And the Secretary of the Treasury shall require of the association thus designated satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the government: *Provided*, That every association which shall be selected and designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid in to the government for internal revenue, or for loans or stocks.

SEC. 46–64.

APPROVED, *June 3, 1864.*

Sherman's March to the Sea, 1864

Sherman's march to the sea was one of the decisive campaigns of the war, as its result was to sever the lines of communication by which the Confederate armies in Virginia received the greater portion of their supplies. The documents given below, illustrating the conditions under which the expedition was conducted and summarizing its results, are taken from the "War of the Rebellion: Official Records," Series 1, Vol. XXXIX., Part 3, pp. 701, 703–714, and Vol. XLIV., pp. 700–701, 783. (See pages 112, 113.)

The expedition, which started from Atlanta on November 15, 1864, was governed by the two following general orders:

[Special Field Orders, No. 119.]

HDQRS. MIL. DIV. OF THE MISS.,
IN THE FIELD, KINGSTON, GA., *November 8, 1864.*

I. The general commanding deems it proper at this time to inform the officers and men of the Fourteenth, Fifteenth, Seventeenth, and Twentieth Corps that he has organized them into an army for a special purpose, well known to the War Department and to General Grant. It is sufficient for you to know that it involves a departure from our present base, and a long and difficult march to a new one. All the chances of war have been considered and provided for, as far as human sagacity can. All he asks of you is to maintain that discipline, patience,

GEN. WILLIAM TECUMSEH SHERMAN

(From the original negative by Brady now in the collection of Frederick H. Meserve, New York City)

and courage which have characterized you in the past, and he hopes, through you, to strike a blow at our enemy that will have a material effect in producing what we all so much desire—his complete overthrow. Of all things the most important is that the men, during marches and in camp, keep their places and not scatter about as stragglers or foragers, to be picked up by a hostile people in detail. It is also of the utmost importance that our wagons should not be loaded with anything but provisions and ammunition. All surplus servants, non-combatants, and refugees should now go to the rear, and none should be encouraged to encumber us on the march. At some future time we will be enabled to provide for the poor whites and blacks who seek to escape the bondage under which they are now suffering. With these few simple cautions in your minds, he hopes to lead you to achievements equal in importance to those of the past.

By order of Maj. Gen. W. T. Sherman:

L. M. DAYTON, *Aide-de-Camp.*

[Special Field Orders, No. 120.]

HDQRS. MIL. DIV. OF THE MISS.,
IN THE FIELD, KINGSTON, GA., *November 9, 1864.*

I. For the purpose of military operations this army is divided into two wings, viz, the Right Wing, Maj. Gen. O. O. Howard commanding, the Fifteenth and Seventeenth Corps; the Left Wing, Maj. Gen. H. W. Slocum commanding, the Fourteenth and Twentieth Corps.

II. The habitual order of march will be, wherever practicable, by four roads, as near parallel as possible and converging at points hereafter to be indicated in orders. The cavalry, Brigadier-General Kilpatrick commanding, will receive special orders from the commander-in-chief.

III. There will be no general train of supplies, but each

corps will have its ammunition train and provision train distributed habitually as follows: Behind each regiment should follow one wagon and one ambulance; behind each brigade should follow a due proportion of ammuni-

MAJ.-GEN. OLIVER OTIS HOWARD

(From *Harper's Weekly*, July 22, 1865, after a photograph by Gardner)

tion wagons, provision wagons, and ambulances. In case of danger each army corps commander should change this order of march by having his advance and rear brigade unencumbered by wheels. The separate columns will start habitually at 7 a.m., and make about fifteen miles per day, unless otherwise fixed in orders.

IV. The army will forage liberally on the country during the march. To this end, each brigade commander will organize a good and sufficient foraging party, under the command of one or more discreet officers, who will gather, near the route traveled, corn or forage of any

GENERAL SHERMAN HOLDING A COUNCIL OF WAR AT GEN. THOMAS J. WOOD'S HEADQUARTERS

(From a sketch by Theodore R. Davis in *Harper's Weekly*, September 3, 1864)

kind, meat of any kind, vegetables, corn-meal, or whatever is needed by the command, aiming at all times to keep in the wagons at least ten days' provisions for the command and three days' forage. Soldiers must not enter the dwellings of the inhabitants, or commit any trespass, but during a halt or a camp they may be permitted to gather turnips, potatoes, and other vegetables,

and to drive in stock in sight of their camp. To regular foraging parties must be intrusted the gathering of provisions and forage at any distance from the road traveled.

V. To army corps commanders alone is intrusted the power to destroy mills, houses, cotton-gins, &c., and for them this general principle is laid down: In districts and neighborhoods where the army is unmolested no destruction of such property should be permitted; but should guerrillas or bushwhackers molest our march, or should the inhabitants burn bridges, obstruct roads, or otherwise manifest local hostility, then army commanders should order and enforce a devastation more or less relentless according to the measure of such hostility.

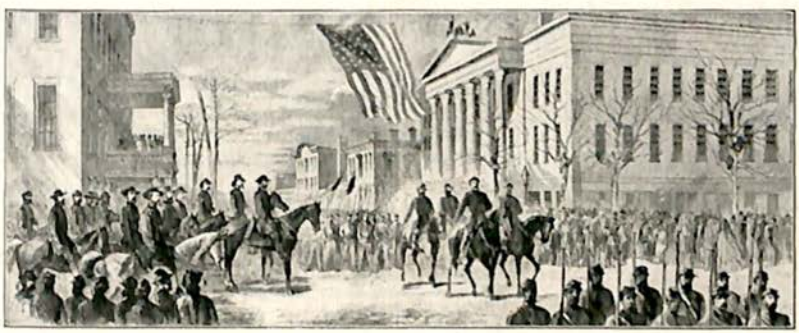
VI. As for horses, mules, wagons, &c., belonging to the inhabitants, the cavalry and artillery may appropriate freely and without limit, discriminating, however, between the rich, who are usually hostile, and the poor and industrious, usually neutral or friendly. Foraging parties may also take mules or horses to replace the jaded animals of their trains, or to serve as pack-mules for the regiments or brigades. In all foraging, of whatever kind, the parties engaged will refrain from abusive or threatening language, and may, where the officer in command thinks proper, give written certificates of the facts, but no receipts, and they will endeavor to leave with each family a reasonable portion for their maintenance.

VII. Negroes who are able-bodied and can be of service to the several columns may be taken along, but each army commander will bear in mind that the question of supplies is a very important one and that his first duty is to see to them who bear arms.

VIII. The organization at once of a good pioneer battalion for each army corps, composed if possible of negroes, should be attended to. This battalion should

follow the advance guard, should repair roads and double them if possible, so that the columns will not be delayed after reaching bad places. Also, army commanders should study the habit of giving the artillery and wagons the road, and marching their troops on one side, and also instruct their troops to assist wagons at steep hills or bad crossings of streams.

IX. Capt. O. M. Poe, chief engineer, will assign to each wing of the army a pontoon train, fully equipped



GENERAL SHERMAN REVIEWING HIS ARMY AT SAVANNAH, GEORGIA

(From *Harper's Weekly*, February 11, 1865, after a sketch by William Wand. Savannah was occupied by Sherman, December 22, 1864)

and organized, and the commanders thereof will see to its being properly protected at all times.

By order of Maj. Gen. W. T. Sherman,

L. M. DAYTON, *Aide-de-Camp*.

December 13th Sherman's forces captured Fort McAllister, one of the defenses of Savannah, and opened communications with the Federal blockading fleet. He now sent a number of messages to the War Department announcing the safe arrival of the army, intended to relieve the anxiety of people at the North, who had had no direct word from him since the army left Atlanta.

BREVET. MAJ.-GEN. WILLIAM BABCOCK HAZEN

(From a photograph by George N. Barnard, reproduced in *Harper's Weekly*, February 11, 1865. In Sherman's march to the sea General Hazen was in command of a division of the Fifteenth Army Corps, which captured Fort McAllister (December, 1864). He was engaged in the operations which ended in the surrender of Joseph E. Johnston's army; was brevetted major-general in 1865, and in 1880 was appointed chief signal-officer)

ON BOARD DANDELION, OSSABAW SOUND,
December 13, 1864—11.50 P.M.

Hon. E. M. Stanton, Secretary of War, Washington, D. C.:

To-day, at 5 P.M., General Hazen's division of the Fifteenth Corps carried Fort McAllister by assault, capturing its entire garrison and stores. This opened to us Ossabaw Sound, and I pushed down to this gun-boat to communicate with the fleet. Before opening communication we had completely destroyed all the railroads leading into Savannah and invested the city. The left of the army is on the Savannah River, three miles above the city, and the right on the Ogeechee, at King's Bridge. The army is in splendid order, and equal to any thing. The weather has been fine, and supplies were abundant. Our march was most agreeable, and we were not at all molested by guerrillas. We reached Savannah three days ago, but owing to Fort McAllister could not communicate; but now that we have McAllister we can go ahead. We have already captured two boats on the Savannah River, and prevented their gun-boats from coming down. I estimate the population of Savannah at 25,000 and the garrison at 15,000; General Hardee commands. We have not lost a wagon on the trip, but have gathered a large supply of negroes, mules, horses, etc., and our teams are in far better condition than when we started. My first duty will be to clear the army of surplus negroes, mules, and horses. We have utterly destroyed over 200 miles of rails, and consumed stores and provisions that were essential to Lee's and Hood's armies. The quick work made with McAllister, the opening of communication with our fleet, and our consequent independence as to supplies, dissipate all their boasted threats to head us off and starve the army. I regard Savannah as already gained.

Yours, truly,

W. T. SHERMAN, *Major-General.*

December 21st General Hardee evacuated the city of Savannah and General Sherman sent the following telegram to President Lincoln:

SAVANNAH, GA., *December 22, 1864.*

His Excellency President Lincoln:

I beg to present you, as a Christmas gift, the city of Savannah, with 150 heavy guns and plenty of ammunition, and also about 25,000 bales of cotton.

W. T. SHERMAN, *Major-General.*

Davis's Last Message to the Confederate Congress, 1865

This message bears the date of March 13, 1865. On April 2d, while at church, Mr. Davis received a telegram from General Lee announcing his speedy withdrawal from Petersburg and the consequent necessity for the evacuation of the capital. The same night Mr. Davis and his personal staff left Richmond for Danville, and on May 10th he was captured by Federal cavalry. Text from "War of the Rebellion: Official Records," Series 4, Vol. III. (1900), pp. 1130–1136. (See page 166.)

To the Senate and House of Representatives of the Confederate States of America:

When informed on Thursday last that it was the intention of Congress to adjourn *sine die* on the ensuing Saturday, I deemed it my duty to request a postponement of the adjournment, in order that I might submit, for your consideration, certain matters of public interest, which are now laid before you. When that request was made, the most important measures that had occupied your attention during the session had not been so far advanced as to be submitted for Executive action, and the state of the country had been so materially affected by the events of the last four months as to evince the necessity of further and more energetic legislation than was contemplated in November last.

Our country is now environed with perils which it is our duty calmly to contemplate. Thus alone can the

THE CABINET OF THE CONFEDERATE STATES AT MONTGOMERY, ALABAMA

(See Notes on Illustrations)

measures necessary to avert threatened calamities be wisely devised and efficiently enforced.

Recent military operations of the enemy have been successful in the capture of some of our seaports, in interrupting some of our lines of communication, and in devastating large districts of our country. These events have had the natural effect of encouraging our foes and dispiriting many of our people. The capital of the Confederate States is now threatened, and is in greater danger than it has heretofore been during the war. The fact is stated without reserve or concealment, as due to the people whose servants we are, and in whose courage and constancy entire trust is reposed; as due to you, in whose wisdom and resolute spirit the people have confided for the adoption of the measures required to guard them from threatened perils.

While stating to you that our country is in danger, I desire also to state my deliberate conviction that it is within our power to avert the calamities which menace us, and to secure the triumph of the sacred cause for which so much sacrifice has been made, so much suffering endured, so many precious lives have been lost. This result is to be obtained by fortitude, by courage, by constancy in enduring the sacrifices still needed; in a word, by the prompt and resolute devotion of the whole resources of men and money in the Confederacy to the achievement of our liberties and independence.

The measures now required, to be successful, should be prompt. Long deliberation and protracted debate over important measures are not only natural, but laudable, in representative assemblies under ordinary circumstances; but in moments of danger, when action becomes urgent, the delay thus caused is itself a new source of peril. Thus it has unfortunately happened that some of the measures passed by you in pursuance of the recommendations contained in my message of November last, have been so retarded as to lose much of

their value, or have, for the same reason, been abandoned after being matured, because no longer applicable to our altered conditions; and others have not been brought under examination. In making these remarks, it is far from my intention to attribute the loss of time to any other causes than those inherent in deliberative assem-

JEFFERSON DAVIS'S MANSION, BEAUVOIR, AT BILOXI, MISSISSIPPI.

blies, but only urgently to recommend prompt action upon the measures now submitted.

We need, for carrying on the war successfully, men and supplies for the army. We have both within our country sufficient to attain success.

To obtain the supplies it is necessary to protect productive districts, guard our lines of communication by an increase in the number of our forces; and hence it results, that with a large augmentation in the number of men in the army, the facility of supplying the troops would be greater than with our recent reduced strength.

For the purchase of supplies now required, especially for the armies in Virginia and North Carolina, the treasury must be provided with means, and a modification in the impressment law is required. It has been

ascertained, by examination, that we have within our reach a sufficiency of what is most needed for the army, and without having recourse to the ample provision existing in those parts of the Confederacy with which our communication has been partially interrupted by hostile operations. But in some districts from which supplies are to be drawn the inhabitants, being either within the enemy's lines or in very close proximity, are unable to make use of Confederate treasury notes for the purchase of articles of prime necessity; and it is necessary that, to some extent, coin be paid, in order to obtain supplies. It is therefore recommended that Congress devise the means for making available the coin within the Confederacy for the purpose of supplying the army. The officers of the supply departments report that, with two millions of dollars in coin, the armies in Virginia and North Carolina can be amply supplied for the remainder of the year; and the knowledge of this fact should suffice to insure the adoption of the measures necessary to obtain this moderate sum.

The impressment law, as it now exists, prohibits the public officers from impressing supplies without making payment of the valuation at the time of impressment. The limit fixed for the issue of treasury notes has been nearly reached, and the Treasury cannot easily furnish the funds necessary for prompt payment; while the law for raising revenue, which would have afforded means for diminishing, if not removing, this difficulty, was unfortunately delayed for several months, and has just been signed. In this condition of things it is impossible to supply the army, although ample stores may exist in the country, whenever the owners refuse to give credit to the public officer. It is necessary that this restriction on the power of impressment be removed. The power is admitted to be objectionable, liable to abuse, and unequal in its operation on individuals; yet all these objections must yield to absolute necessity.

It is also suggested that the system of valuation now established ought to be radically changed. The legislation requires, in such cases of impressment, that the market price be paid; but there is really no market price in many cases, and then valuation is made arbitrarily and in a depreciated currency. The result is,

JEFFERSON DAVIS'S HOME IN RICHMOND, VIRGINIA
(From Harper's Encyclopædia of United States History)

that the most extravagant prices are fixed, such as no one expects ever to be paid in coin. None believe that the Government can ever redeem in coin the obligation to pay fifty dollars a bushel for corn, or seven hundred dollars a barrel for flour. It would seem to be more just and appropriate to estimate the supplies impressed at their value in coin, to give the obligation of the Government for the payment of the price in coin, with reasonable interest; or, at the option of the creditor, to return in kind the wheat and corn impressed, with a reasonable interest, also payable in kind; and to make the obligations thus issued receivable for all payments due in coin to the Government. Whatever be the value

attached by Congress to these suggestions, it is hoped that there will be no hesitation in so changing the law as to render it possible to supply the army in case of necessity for the impressment of provisions for that purpose.

The measure adopted to raise revenue, though liberal in its provisions, being clearly inadequate to meet the arrear of debt and current expenditures, some degree of embarrassment in the management of the finances must continue to be felt. It is to be regretted, I think, that the recommendation of the Secretary of the Treasury, of a tax on agricultural income equal to the augmented tax on other incomes, payable in treasury notes, was rejected by Congress. This tax would have contributed materially to facilitate the purchase of provisions and diminish the necessity that is now felt for a supply of corn.

The measures passed by Congress during the session for recruiting the army and supplying the additional force needed for the public defence have been, in my judgment, insufficient, and I am impelled by a profound conviction of duty, and stimulated by a sense of the perils which surround our country, to urge upon you additional legislation upon this subject.

The bill for employing negroes for soldiers has not yet reached me, though the printed journals of your proceedings inform me of its passage. Much benefit is anticipated from this measure, though far less than would have resulted from its adoption at an earlier date, so as to afford time for their organization and instruction during the winter months.

The bill for diminishing the number of exempts has just been made the subject of a special message, and its provisions are such as would add no strength to the army. The recommendation to abolish all class exemptions has not met your favor, although still deemed by me a valuable and important measure; and the number

Bust of Jefferson Davis. Born in Kentucky 1808. Educated at Transylvania University; was graduated from West Point in July 1828; took active service against the Black Hawk Indians in 1833. Resigned his commission in the army in 1835, married to Miss Knox Taylor, daughter of Zachary Taylor the hero of Chapultepec. Upon the death of his wife Davis became secluded for a time, but was elected to Congress in 1845. He then married Miss Varina Howell of N. J. Davis was U. S. Senator from 1857 until January 21st, 1861. He then was chosen President of the Confederacy.

Vignette of Mrs. Jefferson Davis, daughter of William Burr Howell and granddaughter of Richard Howell, Governor of New Jersey, 1792 to 1801.

Bust of George W. Randolph of Virginia at lower right. Randolph's mother was the Daughter of Thomas Jefferson. He was in command of the troops sent against John Brown at the time of his raid in 1859.

FACSIMILE OF CONFEDERATE CURRENCY

(From originals in the Manuscript Division, New York Public Library)

of men exempted by a new clause in the act thus passed is believed to be quite equal to that of those whose exemption is revoked. A law of a few lines repealing all class exemptions would not only strengthen the forces in the field, but be still more beneficial by abating the natural discontent and jealousy created in the army by the existence of classes privileged by law to remain in places of safety while their fellow-citizens are exposed in the trenches and the field.

The measure most needed, however, at the present time, for affording an effective increase to our military strength, is a general militia law, such as the Constitution authorizes Congress to pass by granting to it power "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States." and the further power "to provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrection, and repel invasions." The necessity for the exercise of this power can never exist if not in the circumstances that now surround us. The security of the States against any encroachment by the Confederate Government is amply provided for by the Constitution, by "reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

A law is needed to prescribe not only how, and of what persons, the militia are to be organized, but to provide the mode of calling them out. If instances be required to show the necessity of such general law, it is sufficient to mention that, in one case, I have been informed by the governor of a State that the law does not permit him to call the militia from one county for service in another; so that a single brigade of the enemy could traverse the State, and devastate each county in turn, without any power on the part of the Executive

to use the militia for effective defence; while in another State the Executive refused to allow the militia "to be employed in the service of the Confederate States," in the absence of a law for that purpose.

I have heretofore, in a confidential message to the two Houses, stated the facts which induced me to consider it necessary that the privilege of the writ of *habeas corpus* should be suspended. The conviction of the necessity of this measure has become deeper as the events of the struggle have been developed. Congress has not concurred with me in opinion. It is my duty to say that the time has arrived when the suspension of the writ is not simply advisable and expedient, but almost indispensable to the successful conduct of the war. On Congress must rest the responsibility of declining to exercise a power conferred by the Constitution as a means of public safety, to be used in periods of national peril resulting from foreign invasion. If our present circumstances are not such as were contemplated when this power was conferred, I confess myself at a loss to imagine any contingency in which this clause of the Constitution will not remain a dead letter.

JEFFERSON DAVIS
(From the original Brady negative, now in the collection of Frederick H. Meserve, New York City)

With the prompt adoption of the measures above recommended, and the united and hearty cooperation of Congress and the people in the execution of the laws and defence of the country, we may enter upon the present campaign with cheerful confidence in the result. And who can doubt the continued existence of that spirit and fortitude in the people, and of that constancy

FACSIMILE OF A $500 CONFEDERATE BOND, WITH VIGNETTE PORTRAIT OF JOHN C. CALHOUN

(From an original in the Emmet Collection, New York Public Library)

under reverses, which alone are needed to render our triumph secure? What other resource remains available but the undying, unconquerable resolve to be free? It has become certain, beyond all doubt or question, that we must continue this struggle to a successful issue, or must make abject and unconditional submission to such terms as it shall please the conqueror to impose on us after our surrender. If a possible doubt could exist after the conference between our commissioners and Mr. Lincoln, as recently reported to you, it would be dispelled by a recent occurrence, of which it is proper you should be informed.

Congress will remember that, in the conference above referred to, our commissioners were informed that the Government of the United States would not enter into any agreement or treaty whatever with the Confederate States, nor with any single State; and that the only possible mode of obtaining peace was by laying down our arms, disbanding our forces, and yielding unconditional obedience to the laws of the United States, including those passed for the confiscation of our property and the constitutional amendment for the abolition of slavery. It will further be remembered that Mr. Lincoln declared that the only terms on which hostilities could cease were those stated in his message of December last, in which we were informed, that in the event of our penitent submission, he would temper justice with mercy, and that the question whether we would be governed as dependent territories, or permitted to have a representation in their Congress, was one on which he could promise nothing, but which would be decided by their Congress after our submission had been accepted.

It has not, however, been hitherto stated to you that in the course of the conference at Fortress Monroe, a suggestion was made by one of our commissioners that the objections entertained by Mr. Lincoln to treating with the Government of the Confederacy, or with any separate State, might be avoided by substituting for the usual mode of negotiating through commissioners, or other diplomatic agents, the method sometimes employed, of a military convention, to be entered into by the commanding generals of the armies of the two belligerents. This, he admitted, was a power possessed by him, though it was not thought commensurate with all the questions involved. As he did not accept the suggestions when made, he was afterwards requested to reconsider his conclusion upon the subject of a suspension of hostilities, which he agreed to do, but said

that he had maturely considered of the plan, and had determined that it could not be done.

Subsequently, however, an interview with General Longstreet was asked for by General Ord, commanding the enemy's Army of the James, during which General Longstreet was informed by him that there was a possibility of arriving at a satisfactory adjustment of the present unhappy difficulties by means of a military con-

FACSIMILE OF A $1,000 CONFEDERATE BOND, WITH BUST PORTRAIT OF ALEXANDER H. STEPHENS, FIRST VICE-PRESIDENT OF THE CONFEDERACY

(From an original in the Emmet Collection, New York Public Library)

vention, and that if General Lee desired an interview on the subject it would not be declined, provided General Lee had authority to act. This communication was supposed to be the consequence of the suggestion referred to, and General Lee, according to instructions, wrote to General Grant, on the 2d of this month, proposing to meet him for conference on the subject, and stating that he was vested with the requisite authority. General Grant's reply stated that he had no authority to accede to the proposed conference; that his powers extended only to making a convention on subjects purely

of a military character, and that General Ord could only have meant that an interview would not be refused on any subject on which he (General Grant) had the right to act.

It thus appears that neither with the Confederate authorities, nor the authorities of any State, nor through the commanding generals, will the Government of the United States treat or make any terms or agreement whatever for the cessation of hostilities. There remains then for us no choice but to continue this contest to a final issue; for the people of the Confederacy can be but little known to him who supposes it possible they would ever consent to purchase, at the cost of degradation and slavery, permission to live in a country garrisoned by their own negroes and governed by officers sent by the conqueror to rule over them.

Having thus fully placed before you the information requisite to enable you to judge of the state of the country, the dangers to which we are exposed, and the measures of legislation needed for averting them, it remains for me but to invoke your attention to the consideration of those means by which, above all others, we may hope to escape the calamities that would result from our failure. Prominent, above all others, is the necessity for earnest and cordial cooperation between all departments of government, State and Confederate, and all eminent citizens throughout the Confederacy. To you especially, as Senators and Representatives, do the people look for encouragement and counsel. To your action, not only in legislative halls, but in your homes, will their eyes be turned for the example of what is befitting men who, by willing sacrifices on the altar of freedom, show that they are worthy to enjoy its blessings. I feel full confidence that you will concur with me in the conviction that your public duties will not be ended when you shall have closed the legislative labors of the session, but that your voice will be

THE STATE HOUSE AT MONTGOMERY, ALABAMA, WHERE THE CONFEDERATE CONGRESS MET FEBRUARY 4, 1861

(From *Harper's Weekly*, February 9, 1861)

heard cheering and encouraging the people to that persistent fortitude which they have hitherto displayed, and animating them by the manifestation of that serene confidence which, in moments of public danger, is the distinctive characteristic of the patriot, who derives courage from his devotion to his country's destiny, and is thus enabled to inspire the like courage in others.

Thus united in a common and holy cause, rising above all selfish considerations, rendering all our means and faculties tributary to the country's welfare, let us bow submissively to the Divine will, and reverently invoke the blessing of our Heavenly Father, that as He protected and guided our sires when struggling in a similar cause, so He will enable us to guard safely our altars and firesides, and maintain inviolate the political rights which we inherited.

Lee's Surrender at Appomattox, 1865

The Army of Northern Virginia, under command of Gen. Robert E. Lee, suffering intensely for want of food, crossed the Appomattox River at Farmville on the night of April 6–7, 1865. Although the Confederates destroyed the bridges in part, the National troops were able to cross and to continue the pursuit. Despite the judgment of his officers that he should abandon the contest, Lee resolved to make further attempts to escape, but his efforts were unavailing. The following is the text of the official documents relating to the surrender, from "Official Rebellion Records," Series 1, Vol. XLVI., Part 1, pp. 56–58, 1267; Series 1., Vol. XLVI., Part 3, pp. 667, 685–686. (See page 114.)

I.

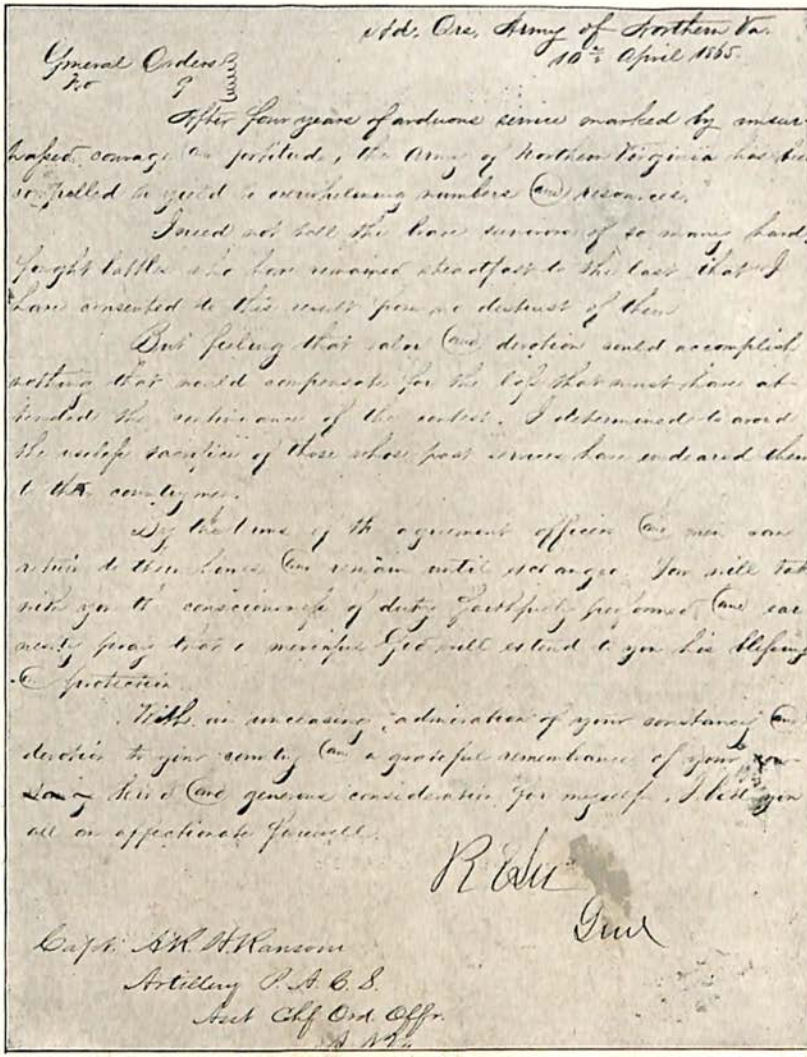
"*Gen. R. E. Lee:* "*April 7, 1865.*

"General: The result of the last week must convince you of the hopelessness of further resistance on the part of the Army of Northern Virginia in this struggle. I feel that it is so, and regard it as my duty to shift from myself the responsibility of any further effusion of blood, by asking of you the surrender of that portion of the Confederate States army known as the Army of Northern Virginia.

"Very respectfully, your obedient servant,

"U. S. Grant,

"Lieutenant-General, Commanding Armies of the United States."



Ad. Ors. Army of Northern Va.
10th April 1865.

General Orders
No 9

After four years of arduous service marked by unsurpassed courage and fortitude, the Army of Northern Virginia has been compelled to yield to overwhelming numbers and resources.

I need not tell the brave survivors of so many hard fought battles who have remained steadfast to the last that I have consented to this result from no distrust of them.

But feeling that valor and devotion could accomplish nothing that would compensate for the loss that must have attended the continuance of the contest, I determined to avoid the useless sacrifice of those whose past services have endeared them to their countrymen.

By the terms of the agreement officers and men can return to their homes and remain until exchanged. You will take with you the consciousness of duty faithfully performed and earnestly pray that a merciful God will extend to you his blessing and protection.

With an unceasing admiration of your constancy and devotion to your country and a grateful remembrance of your [illegible] kind and generous consideration for myself, I bid you all an affectionate farewell.

R. E. Lee
Genl

Capt. A. R. H. Ransom
Artillery P. A. C. S.
Asst Chf Ord. Offr.
A. N. V.

GENERAL LEE'S FAREWELL WORDS TO HIS ARMY
(Facsimile of "General Order No. 9" addressed to Capt. A. R. H. Ransom)

II

"*April 7, 1865.*

"GENERAL: I have received your note of this date. Though not entirely of the opinion you express of the hopelessness of further resistance on the part of the Army of Northern Virginia, I reciprocate your desire to avoid useless effusion of blood, and, therefore, before considering your proposition, ask the terms you will offer on condition of its surrender.

"R. E. LEE, General.

"*To Lieut.-Gen. U. S. Grant, Commanding Armies of the United States.*"

III.

"*April 8, 1865.*

"*To Gen. R. E. Lee, Commanding Confederate States Army:*

"GENERAL: Your note of last evening, in reply to mine of same date, asking the conditions on which I will accept the surrender of the Army of Northern Virginia, is just received.

"In reply, I would say that, peace being my first desire, there is but one condition that I insist upon—*viz.:*

"That the men surrendered shall be disqualified for taking up arms against the government of the United States until properly exchanged.

"I will meet you, or designate officers to meet any officers you may name for the same purpose, at any point agreeable to you, for the purpose of arranging definitely the terms upon which the surrender of the Army of Northern Virginia will be received.

"Very respectfully, your obedient servant,

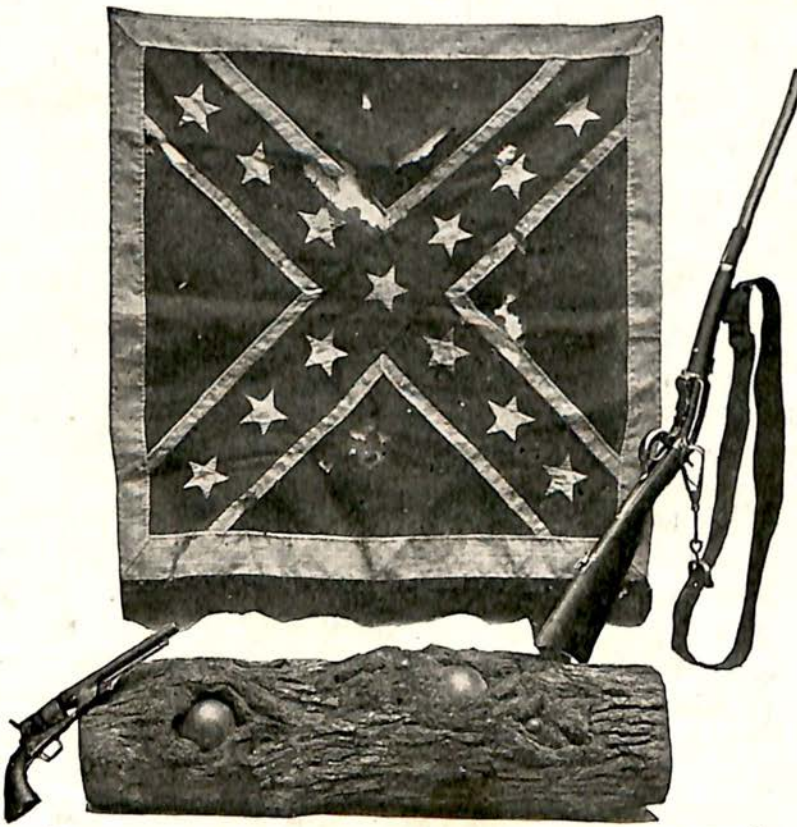
"U. S. GRANT,

"Lieutenant-General, Commanding Armies of the United States."

IV.

"*April 8, 1865.*

"GENERAL: I received, at a late hour, your note of to-day. In mine of yesterday I did not intend to propose the surrender of the Army of Northern Virginia, but to ask the terms of your proposition. To be frank,



BATTLE-FLAG OF THE CONFEDERACY
(From Dr. John A. Wyeth's "With Sabre and Scalpel")

I do not think the emergency has arisen to call for the surrender of this army, but as the restoration of peace should be the sole object of all, I desire to know whether your proposals would tend to that end.

"I cannot, therefore, meet you with a view to surrender the Army of Northern Virginia, but so far as your proposition may affect the Confederate States forces under my command, and tend to the restoration of peace, I should be pleased to meet you at 10 A.M. to-morrow, on the old stage-road to Richmond, between the picket-lines of the two armies.

"Very respectfully, your obedient servant,

"R. E. LEE,

"General, Confederate States Armies.

"*To Lieutenant-General Grant, Commanding Armies of the United States.*"

V.

"*April 9, 1865.*

"*General R. E. Lee, Commanding C. S. A.:*

"GENERAL: Your note of yesterady is received. I have no authority to treat on the subject of peace; the meeting proposed for 10 A.M. to-day could lead to no good. I will state, however, general, that I am equally anxious for peace with yourself; and the whole North entertain the same feeling. The terms upon which peace can be had are well understood. By the South laying down their arms they will hasten that most desirable event, save thousands of human lives, and hundreds of millions of property not yet destroyed.

"Seriously hoping that all our difficulties may be settled without the loss of another life, I subscribe myself,

"Very respectfully, your obedient servant,

"U. S. GRANT,

"Lieutenant-General, U. S. A."

VI.

"*April 9, 1865.*

"GENERAL: I received your note of this morning on the picket-line, whither I had come to meet you and

ascertain definitely what terms were embraced in your proposition of yesterday with reference to the surrender of this army.

"I now ask an interview in accordance with the offer contained in your letter of yesterday for that purpose.

"Very respectfully, your obedient servant,

"R. E. LEE, General.

"*To Lieutenant-General Grant, Commanding United States Armies.*"

VII.

"*April 9, 1865.*

"*General R. E. Lee, Commanding Confederate States Armies:*

"GENERAL: Your note of this date is but this moment (11.50 A.M.) received.

"In consequence of my having passed from the Richmond and Lynchburg road to the Farmville and Lynchburg road, I am at this writing about 4 miles west of Walter's Church, and will push forward to the front for the purpose of meeting you.

"Notice sent to me on this road where you wish the interview to take place will meet me.

"Very respectfully, your obedient servant,

"U. S. GRANT, Lieutenant-General."

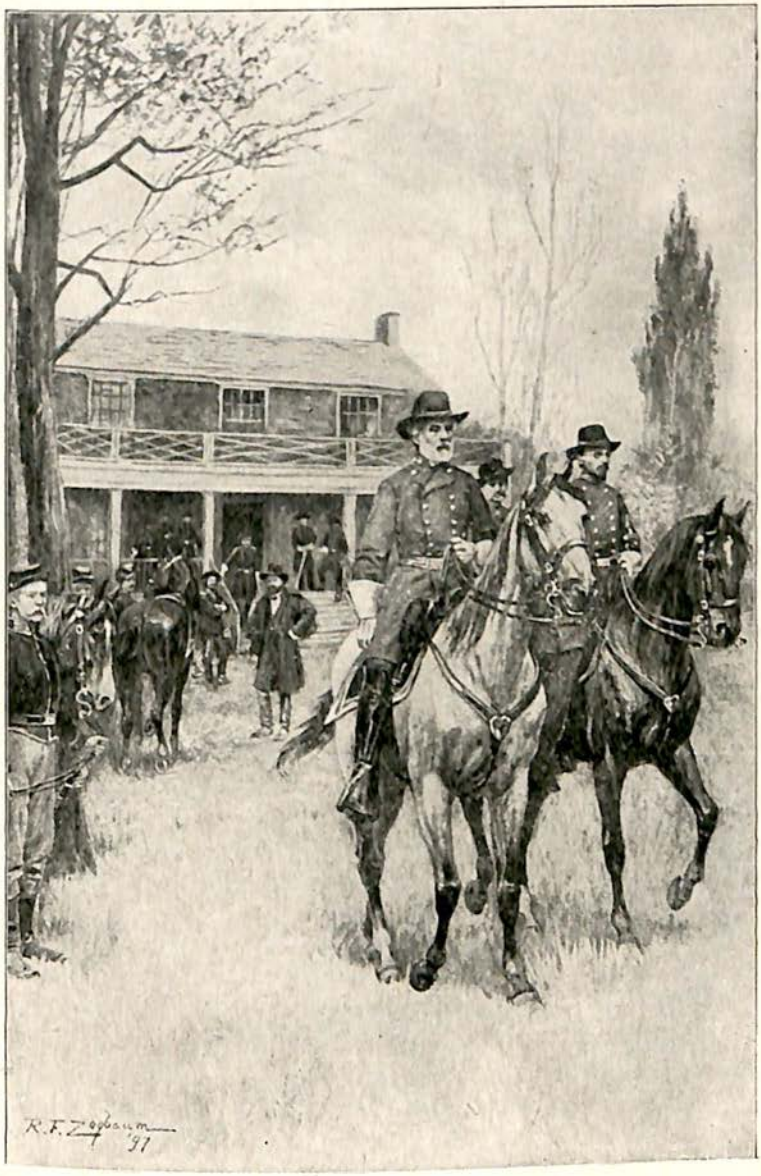
VIII.

"APPOMATTOX COURT-HOUSE,

"*April 9, 1865.*

"*Gen. R. E. Lee, Commanding C. S. A.:*

"GENERAL: In accordance with the substance of my letter to you of the 8th inst., I propose to receive the surrender of the Army of Northern Virginia on the following terms, to wit:



DEPARTURE OF GENERAL LEE AFTER THE SURRENDER AT APPOMATTOX, APRIL 9, 1865

(From a drawing by R. F. Zogbaum)

"Rolls of all the officers and men to be made in duplicate, one copy to be given to an officer designated by me, the other to be retained by such officer or officers as you may designate.

"The officers to give their individual paroles not to take arms against the government of the United States until properly exchanged; and each company or regimental commander to sign a like parole for the men of their commands.

"The arms, artillery, and public property to be parked and stacked, and turned over to the officers appointed by me to receive them.

"This will not embrace the side-arms of the officers, nor their private horses or baggage.

"This done, each officer and man will be allowed to return to his home, not to be disturbed by United States authority so long as they observe their paroles and the laws in force where they may reside.

"Very respectfully,
"U. S. GRANT, Lieutenant-General."

IX.

"HEADQUARTERS
"ARMY OF NORTHERN VIRGINIA,

"*April 9, 1865.*

"*Lieut.-Gen. U. S. Grant, Commanding U. S. A.:*

"GENERAL: I have received your letter of this date, containing the terms of surrender of the Army of Northern Virginia, as proposed by you. As they are substantially the same as those expressed in your letter of the 8th inst., they are accepted. I will proceed to designate the proper officers to carry the stipulations into effect.

"Very respectfully, your obedient servant,
"R. E. LEE, General."

On the day of the surrender General Lee addressed the following farewell to the Army of Northern Virginia:

"HEADQUARTERS
"ARMY OF NORTHERN VIRGINIA,

"*April 10, 1865.*

"After four years of arduous service, marked by unsurpassed courage and fortitude, the Army of Northern Virginia has been compelled to yield to overwhelming numbers and resources.

"I need not tell the survivors of so many hard-fought battles, who have remained steadfast to the last, that

FRONT VIEW OF W. M'LEAN'S HOUSE AT APPOMATTOX COURT HOUSE, VIRGINIA, IN WHICH GENERAL LEE SIGNED THE TERMS OF SURRENDER, APRIL 9, 1865

(From *Harper's Weekly*, November 4, 1865)

I have consented to this result from no distrust of them; but feeling that valor and devotion could accomplish nothing that could compensate for the loss that would have attended the continuation of the contest, I have determined to avoid the useless sacrifice of those whose past services have endeared them to their countrymen.

"By the terms of agreement, officers and men can

return to their homes, and remain there until exchanged.

"You will take with you the satisfaction that proceeds from the consciousness of duty faithfully performed; and I earnestly pray that a merciful God will extend to you His blessing and protection.

"With an increasing admiration of your constancy and devotion to your country, and a grateful remembrance of your kind and generous considerations of myself, I bid you all an affectionate farewell.

"R. E. LEE, General."

At the final act of surrender, General Lee was not present. It was executed by commissioners designated for the purpose, who acceded to the following agreement:

"APPOMATTOX COURT-HOUSE, VA.,
"*April 10, 1865.*

"Agreement entered into this day, in regard to the surrender of the Army of Northern Virginia to the United States authorities.

"First. The troops shall march by brigades and detachments to a designated point; stack their arms; deposit their flags, sabres, pistols, etc.; and from thence march to their homes, under charge of their officers, superintended by their respective division and corps commanders, officers retaining their side-arms and the authorized number of private horses.

"Second. All public horses, and public property of all kinds, to be turned over to staff-officers to be designated by the United States authorities.

"Third. Such transportation as may be agreed upon as necessary for the transportation of the private baggage of officers will be allowed to accompany the officers, to be turned over, at the end of the trip, to the nearest United States quartermaster, receipts being taken for the same.

THE BLUE AND THE GRAY AT APPOMATTOX AFTER GENERAL LEE'S SURRENDER, APRIL 9, 1865

(From a drawing by C. S. Reinhart published in *Harper's Weekly* May 30, 1896)

"Fourth. Couriers and mounted men of the artillery and cavalry, whose horses are their own private property, will be allowed to retain them.

"Fifth. The surrender of the Army of Northern Virginia shall be construed to include all the forces operating with that army on the 8th instant, the date of the commencement of the negotiations for surrender, except such bodies of cavalry as actually made their escape previous to the surrender; and except, also, such pieces of artillery as were more than 20 miles from Appomattox Court-house at the time of surrender on the 9th instant.

"(Signed)

"JOHN GIBBON, Major-General Volunteers.
"CHARLES GRIFFIN, Brevet Major-General U. S. V.
"W. MERRITT, Brevet Major-General.
"J. LONGSTREET, Lieutenant-General.
"J. B. GORDON, Major-General.
"W. N. PENDLETON, Brigadier-General and Chief of Artillery."

The following is a copy of the parole signed by General Lee and his staff-officers:

"We, the undersigned, prisoners of war belonging to the Army of Northern Virginia, having been this day surrendered by Gen. R. E. Lee, commanding said army, to Lieutenant-General Grant, commanding the armies of the United States, do hereby give our solemn parole of honor that we will not hereafter serve in the armies of the Confederate States, or in any military capacity whatsoever against the United States of America, or render aid to the enemies of the latter, until properly exchanged in such manner as shall be mutually approved by the relative authorities.

"Done at Appomattox Court-house, Va., this ninth (9) day of April, 1865.

"R. E. LEE, General.

"W. H. TAYLOR, Lieutenant-Colonel and Assistant Adjutant-General.

"CHAS. S. VENEABLE, Lieutenant-Colonel and Assistant Adjutant-General.

"CHAS. MARSHALL, Lieutenant-Colonel and Assistant Adjutant-General.

"H. E. PEYTON, Lieutenant-Colonel and Inspector-General.

"GILES B. COOKE, Major and Acting Assistant Surgeon-General.

"H. E. YOUNG, Assistant Adjutant-General."

The parole was countersigned as follows:

"The within named officers will not be disturbed by United States authorities as long as they observe their parole and the laws in force where they may reside.

"GEO. H. SHARPE,

"General, and Assistant Provost-Marshal."

THE END OF VOLUME VIII

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